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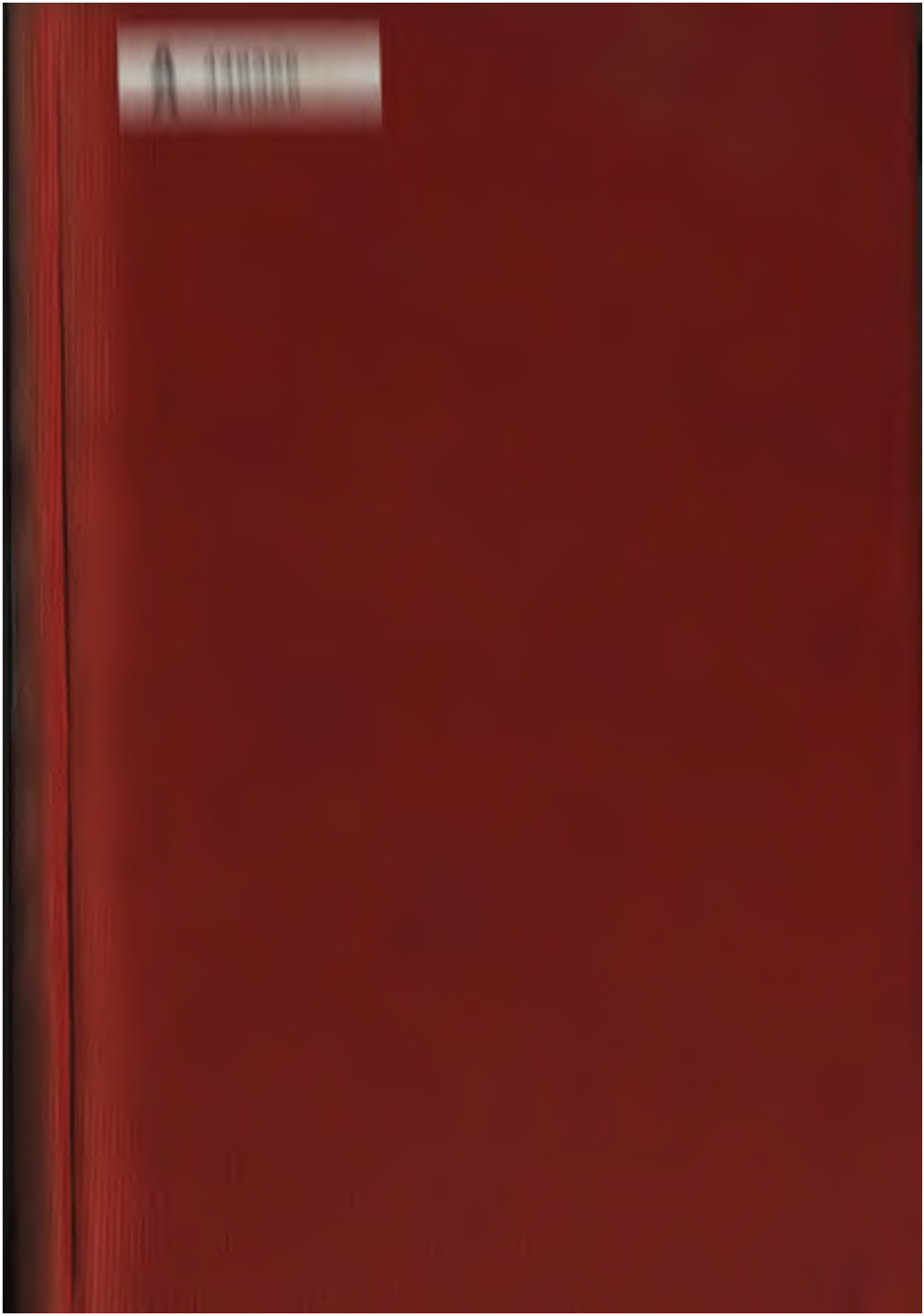
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SPEECHES

AND

DEBATES

IN THE

Houſe of Commons,

DURING

The Fourth Seſſion of the Eighth Parliament of *Great-Britain.*

ON the 24th Day of *January*, 1737-8, the Houſe of Commons being, according to Proclamation, aſſembled, Anno 11 Geo. II. 1737-38.

A Meſſage came from his Majeſty, by Sir Charles Dalton, Gentleman-Uſher of the Black Rod, *commanding the honourable Houſe to attend his Majeſty immediately, in the Houſe of Peers.* Accordingly Mr. Speaker, with the Houſe, went up to attend his Majeſty, and upon their Return, the Speaker reported to the Houſe his Majeſty's Speech from the Throne, which was as follows:

Anno 11 Geo. II. 1737-38.

The King's Speech

My Lords and Gentlemen,

" I Have called you together for the neceſſary Diſpatch " of the publick Buſineſs, which, I hope, will be car- " ried on with that Prudence, and Expedition, which be- " comes the Wiſdom of Parliament.

Gentlemen of the Houſe of Commons,

" I have ordered the Eſtimates for the Service of the " current Year to be laid before you; and the Readineſs, " which I have always found in you to make the neceſſary " Poviſions for the Honour, Peace, and Security of my " Crown and Kingdoms, leaves me no Room to doubt of " the ſame Zeal, Affection, and due Regard for the Sup- " port of my Government, and the publick Safety.

My Lords and Gentlemen,

" I hope you are met together, in a Diſpoſition to lay " aſide all Heats and Animoſities, which may unneceſſarily " protract this Seſſion. I am determined, that the Affairs " of the Publick ſhall ſuffer no Delay, or Interruption, from " me, upon any Account whatſoever."

Henry Fox, Eſq; moves for an Addreſs of Thanks.

Mr. Fox then ſtood up, and introduced his Motion for an Addreſs of Thanks, in the following Manner:

' Sir, it has been always the Cuſtom of this Houſe, at the Beginning of every Seſſion of Parliament, to return his Majeſty our Thanks for his Speech from the Throne; but, the ſevere Stroke, which not only his Majeſty and the Royal Family, but all the Nation have received ſince our laſt Meeting in the Death of the Queen, requires, that on this Occaſion our Thanks to his Majeſty for his moſt gracious Aſſurances ſhould be attended with our Condoleance for his unexpreſſible Loſs. A Loſs, Sir, which, I flatter myſelf, I read in the Eyes of every Genleman who hears me, and which muſt be regretted by every Subject in the Kingdom, who retains in hisBreaſt one Spark of Loyalty and Gratitude.

Gentlemen cannot miſs to obſerve, that if his Majeſty has expreſſed himſelf on this Occaſion with more Brevity than uſual, it is owing to the Remembrance of a Princeſs who endeared herſelf in every Relation of Life, either as a Conſort, a Mother, or a Queen. And tho' her Death, Sir, is an afflicting Diſpenſation to all the Nation, yet we cannot ſuppoſe that any of us can feel it ſo deeply as the Royal Breaſt, which, while ſhe was alive, ſhe ſo much eaſed of the Toils of Government by her Counſels, which never had any other Tendency than to promote his Honour by promoting the Happineſs of his People. Of this, Sir, we had many late Inſtances, eſpecially when the ſovereign Power, in the Abſence of her Royal Conſort, was delegated into her Hands. On that Occaſion, Sir, we may all remember with what Mode-

ration

ration ſhe governed, with what Chearfulneſs ſhe rewarded, and with what Reluctance ſhe puniſhed; tho' the Prudence of her Meaſures, rendered the Exerciſe of this laſt and moſt ungrateful Branch of the Royal Prerogative, but ſeldom neceſſary. Therefore, Sir, however ſome amongſt us may differ in particular Views and Intereſts, I hope we ſhall all unite in paying a Debt of Gratitude to the Memory of the beſt of Princeſſes, as well as of Duty to the beſt of Kings. I move, therefore, that this Houſe ſhould reſolve, that an humble Addreſs be preſented to his Majeſty; to return his Majeſty the Thanks of this Houſe for his moſt gracious Speech from the Throne; to condole with his Majeſty on his, and the Nation's irreparable Loſs, by the Death of her late Majeſty, and to aſſure his Majeſty, that this Houſe does always take Part in every Thing that nearly concerns and affects him, and will endeavour to ſoften every Care that may approach him; to aſſure his Majeſty, that we will carefully avoid all Heats and Animoſities; that we will readily and effectually raiſe the Supplies neceſſary for the Service of the current Year; and, as we are truly ſenſible of the Regard his Majeſty has always ſhewn to the Liberties and Privileges of his Subjects, that we will, as becomes the Repreſentatives of a grateful People, loſe no Occaſion of teſtifying our Affection and Zeal for the Support of his Government, and the Preſervation of our excellent Conſtitution; and farther, to beſeech his Majeſty to be careful of his ſacred and ineſtimable Life, on which the Happineſs of his Family and his People ſo immediately depends.'

Anno 11 Geo. II. 1737-38.

This Motion was ſeconded by * J. Selwyn, jun. and then W. Shippen, Eſq; ſpoke to the following Purpoſe:

Sir,

'It would be very unbecoming any Gentleman in this Houſe, to oppoſe the Motion made by the honourable Gentleman who ſpoke laſt. For my own Part, Sir, I have ſo deep a Senſe of the Loſs we all ſuſtain by the Death of that incomparable Princeſs, that I think no Expreſſions of Gratitude or Sorrow can do more than Juſtice to her Character. Thus much, Sir, I ſpeak as a Subject of his Majeſty: I ſhall now beg Leave to trouble you with a few Words, as one who has the Honour to ſit in this Houſe.

Speeches from the Throne, Sir, have often, in my Time, been looked upon as expreſſing the Senſe of the Miniſtry, rather than that of the Prince. For which Reaſon there have been many Inſtances wherein this Houſe has taken the Liberty to debate on every Sentence of ſuch Speeches. I do not indeed affirm that the Speech now to be conſider'd is drawn up to ſerve any private miniſterial Ends; but think that, in our

* *Son to John Selwyn, Eſq; Treaſurer to the late Queen.*

Anno 11. Geo. II. 1737-38.

Addreſs of Thanks, we ought to go no greater Lengths than the general Expreſſions in the Speech require. I am, Sir, confirmed in this Opinion from former Inſtances, wherein I have known that too warm an Addreſs from this Houſe has been looked upon by the Miniſtry as an Approbation, not only of their paſt, but their preſent and future Meaſures. I have known, Sir, a Miniſter, when any Part of his Conduct was objected to, tell Gentlemen; 'Did you not give 'the Crown all the Aſſurances poſſible, that you were 'perfectly ſatisfied with the Meaſures taken by the Go-'vernment? Did not you return an Addreſs of Thanks, 'and expreſs your Reſolution to concur with his Majeſty in 'every Step he ſhould take for the Welfare and Security of 'the Government?' I ſay, Sir, ſuch Speeches as theſe have formerly been made by Miniſters, and Gentlemen have found themſelves very much embarraſſed by the fine Words and fair Promiſes inſerted in their Addreſs. Therefore, Sir, I think it not improper, as his Majeſty has not been pleaſed to inform us of the Situation of Affairs, to ſuſpend our Approbation of any Meaſures that may have been taken ſince laſt Seſſion. When they come to be laid before us in a regular Manner, let us then approve 'em, if they are right Meaſures; but let us not by an over-forward Zeal preclude ourſelves from the Liberty of objecting to them, if they are wrong ones. Some of them, Sir, may very ſoon come under our Conſideration; for I believe no Gentleman here is ignorant, that our Merchants have of late made very ſtrong Applications to the Government for a Redreſs of the Injuries they have ſuffered by the Spaniſh Depredations. This Affair may very probably come before us, in this Seſſion; and then, Sir, I hope we ſhall have a fair Opportunity of doing Juſtice to the Zeal of the Adminiſtration for the Honour and Intereſt of the Kingdom. Beſides, Sir, this laſt Speech from the Throne being, as the honourable Gentleman obſerved, ſhorter than uſual, we can learn nothing from it concerning the State of our Affairs, with Reſpect to the other Powers of *Europe*; we know nothing of the many Negotiations ſet on Foot, ſince our laſt Seſſion, for ſecuring the Balance of Power, and for preventing our aſpiring Neighbours of *France* from becoming too formidable, and from riſing by the Depreſſion of the Emperor. And here, Sir, I muſt beg Leave to take notice, that if ever the Sentiments of thoſe without Doors are to have any Weight in this Houſe, we have on this Occaſion the ſtrongeſt Reaſon for our being cautious, how we do any Thing that may look like an Approbation of our late Meaſures; for wherever I have happened to be ſince we laſt met, I have heard them unanimouſly condemn'd. But be that as it will, when

theſe

theſe and the like Points come under our Conſideration, if it ſhall appear that our Miniſters have acted a Part becoming the Dignity, and conſiſtent with the Welfare of this Nation, I ſhall very readily conſent to our making them as ample Acknowledgments as their Conduct deſerves; but till this appears, it is my humble Opinion, that we ought not to be laviſh of our Compliments, but leave ourſelves at Liberty to object or approve, according as Truth, Juſtice, and the publick Good ſhall direct.

* Watkin-Williams Wynn, Eſq; ſpoke next.

Sir,

'I cannot but own myſelf to be entirely of the Opinion of my hon. Friend who ſpoke laſt. As Speeches from the Throne have been taken for the Senſe of the Miniſtry, too laviſh Addreſſes from this Houſe have been regarded rather as Incenſe to the Miniſter, than a juſt Acknowledgment to the Sovereign. But, Sir, I hope we ſhall always look upon ourſelves as the Truſtees of the People, and endeavour to ſpeak their Senſe in our Addreſſes, as well as act for their Intereſts in our Proceedings. Tho' the Expreſſion, Sir, propoſed to be inſerted in this Addreſs, *that we will carefully avoid all Heats and Animoſities*, is, to be ſure, a very proper Part of Reſolution of this Nature, and what I am perſuaded every Gentleman will willingly agree to; yet there have been Inſtances, Sir, when from as well guarded Expreſſions Miniſters have taken Occaſion to attempt the Subverſion of that Liberty of Debate, and Freedom of Speech, which ought to diſtinguiſh the Repreſentatives of a free People. Amongſt ſuch a People, Sir, an Oppoſition always muſt, and perhaps it is their Happineſs that is does, exiſt. And, Sir, tho' it is to be wiſh'd that Heats and Animoſities were baniſhed from all Oppoſition, yet I am afraid while Men have different Paſſions, different Intereſts, and different Views, this can ſcarcely be effected.

The granting neceſſary Supplies for the current Year, Sir, is what ſeems very reaſonable and indiſpenſable in a Houſe of Commons. But, Sir, I believe there are Inſtances when, in former Reigns, the Commons have refuſed to grant a Shilling for the Services of the current Year, till they were ſure the Money granted for the Services of the preceding had been properly applied. Beſides, Sir, the true old parliamentary Method of proceeding, was not immediately to vote an Addreſs of Thanks for every Thing the Miniſter had done during the intermediate Time, right or wrong, but to appoint a Day for examining the Grievances of the Nation; and Redreſs of theſe was always inſiſted on before any Supplies were granted.

* *Since Sir Watkin-Williams Wynn.*

Anno 11 Geo. II. 1737-8.

No Houſe of Commons had ever greater Reaſon than we have to be frugal of the publick Money, and to enquire in what Manner it has been applied. We have already granted to his Majeſty Sums ſufficient to have enabled the Miniſtry to put the Nation into ſuch a Situation, that ſhe might have nothing to fear from any Enemies either at home or abroad; and conſequently to have diminiſhed the Taxes, and eaſed the People of ſome Part of the unſupportable Load of Debt they now lie under. If, upon Enquiry, it ſhall appear that they have acted in this Manner; if it ſhall appear that the People have ſo much as a Proſpect of Relief from their preſent Preſſures, I ſhall think the Sums we have already granted, not only well beſtowed, but ſhall concur with any Motion that may be made for our granting the like in Time to come. But, Sir, notwithſtanding the Sums we have already granted, if the publick Debt, inſtead of being diminiſhed, is daily increaſing, if it ſhall appear that any Part of it has been applied in promoting the Arts of Corruption, and betraying the Nation; I think it is our Duty to put a Stop to any ſuch Grants for the future. In the mean time, Sir, I am as forward as any Gentleman here, that we ſhould condole with his Majeſty on the irreparable Loſs of the late Queen, and that we expreſs our Reſolution of loſing no Occaſion of teſtifying our Zeal for the Support of his Government, and the Preſervation of our excellent Conſtitution: Nay, of our going the greateſt Lengths for ſecuring the Crown in his Majeſty's Perſon and Family. But, Sir, give me Leave to ſay, that the readieſt Way to make theſe Engagements good, is by reſerving to ourſelves a Right of enquiring into any Miſapplication that may have been made of the publick Money and Credit, and by determining to let the World ſee that we are reſolved to do as much as lies in our Power for making his Majeſty the Sovereign of a great, a happy, and an uncorrupted People.

The Reply was to the following Effect, by Sir W. Yonge:

The Reply by Sir William Yonge.

'Sir,

'I really thought that the Terms in which the honourable Gentleman who ſpoke firſt, propoſed we ſhould addreſs his Majeſty, were ſo decent, and ſo expreſſive of our Veneration for the Memory of the late Queen, as well as of our Affection for his Majeſty's Perſon and his illuſtrious Family, that they were unexceptionable. Therefore, I am ſurpriſed, that Gentlemen ſhould take occaſion from them, to throw out any Inſinuations againſt the preſent Adminiſtration; becauſe, perhaps, there have been corrupt Adminiſtrations in former Times. When Gentlemen ſeem to doubt, if we ſhould aſſure his Majeſty, that we will readily and effectually raiſe the Supplies neceſſary for his Majeſty's Ser-

vice,

vice, becauſe the publick Money has been formerly miſapplied, they may doubt, whether we ſhould condole with his Majeſty on the Death of his Royal Conſort; becauſe there have been Queens, whoſe Loſs the Nation had no Reaſon to regret. If there has been any Miſapplication of the publick Money, Sir, it will be Time enough for Gentlemen to produce their Objections, when the Bills for providing for the Supplies of the current Year come under our Conſideration: But, Sir, I can, by no Means, think that this is a Time for ſtarting theſe Objections, on the very firſt Day of a Seſſion, and immediately after his Majeſty has recommended Unanimity in our Proceedings from the Throne. If it ſhall appear, Sir, that any Demands that ſhall be then made, are unneceſſary, Gentlemen are not precluded by the Terms of the Addreſs, now propoſed, from ſtarting their Difficulties; becauſe, by it, we only promiſe to grant ſuch Supplies as ſhall be neceſſary. I ſhall make no Doubt but the two honourable Gentlemen who ſpoke laſt, have lived under a very corrupt and very dangerous Adminiſtration in this Nation; an Adminiſtration, that by a ſcandalous Abuſe of their Sovereign's Power, muſt have ſunk us in the Eſteem of all Nations abroad, and entailed Superſtition and Slavery on us at home, had not Providence and the Counſels of a ſubſequent Adminiſtration interpoſed. But, Sir, till the honourable Gentlemen ſhall prove that we are now in the ſame deſpicable Circumſtances, I think there can be no Objection to our reſolving upon an Addreſs in the Terms propoſed by the honourable Gentleman who made the Motion.'

Anno 11 Geo. II. 1737-8.

No Reply being made to this, the Houſe came to a Reſolution upon the Motion, and a Committee was ordered to draw up an Addreſs to be preſented to his Majeſty on the ſame Reſolution; and they immediately withdrew into the Speaker's Chamber, and drew up an Addreſs in the following Terms, which was agreed to.

The Motion agreed to.

The humble Addreſs of the Houſe of Commons to the King.

Moſt Gracious Sovereign,

" WE your Majeſty's moſt Dutiful and Loyal Subjects, " the Commons of Great-Britain in Parliament aſ- " ſembled, beg Leave to return our moſt humble and grate- " ful Thanks for Your Majeſty's moſt gracious Speech from " the Throne.

" To ſpeak our utmoſt Senſe of the great Loſs Your Ma- " jeſty and theſe Kingdoms have lately ſuſtained, would be " to revive and aggravate, what we wiſh to alleviate and " diſpel; but we hope your Majeſty will pardon the Intru- " ſion of our ſincere Condoleance, when you reflect on the

" dou-

Anno 11 Geo. II. 1737-8.

" double Duty, by which we are bound, as affectionate Sub-
" jects to your Majeſty, and as Repreſentatives of the Peo-
" ple of Great Britain, not to paſs over in Silence this Ob-
" ject of your Diſtreſs, and their univerſal Mourning.

" When we reflect on the amiable private Character of
" that great Princeſs, on her perſonal and domeſtick Merit,
" as an indulgent and inſtructive Parent, a mild and gracious
" Miſtreſs; or, with regard to your Majeſty, as uniting in
" one all the different Characters of the moſt pleaſing as well
" as conſtant Companion; the moſt able as well as the moſt
" faithful Friend; the moſt tender as well as the moſt obſer-
" vant Wife; when we reflect on theſe Circumſtances, we
" mourn her Loſs, as the greateſt with which Your Majeſty
" and Your Royal Houſe could have been afflicted: But when
" we turn our Thoughts to her great and publick Virtues, her
" Love of Juſtice, her Attachment to the Laws and Prin-
" ciples of this wiſe and happy Conſtitution, her extenſive
" Charities, her boundleſs Benevolence, her Succour to
" Diſtreſs, her Favour to Merit, her Lenity to all. When
" we conſider theſe Parts of her high Character, it is no
" longer for particular and perſonal Cauſes that we grieve;
" it is a national Loſs we lament.

" If a due Submiſſion to ſuperior Authority, and a due
" Exerciſe of Power, when committed to her Hands, are
" the ſtrongeſt Marks of Excellence in both Parts of Go-
" vernment; and if theſe juſtly claim Praiſe and Admira-
" tion; how can we ſufficiently praiſe or admire her Con-
" duct, either in the Preſence or Abſence of your Majeſty?
" In the firſt we ſaw the moſt conſtant Compliance with
" your Will; in the laſt, the true Repreſentation of him,
" with whoſe delegated Authority ſhe was veſted; for all
" her Acts were great, and wiſe, and good; alternately we
" beheld her Submiſſion in this Character, and felt her
" Mildneſs in the other; and great as the Diſtance may
" ſeem from Command to Subjection, the Tranſition to her
" was eaſy, whoſe Abilities were equal to any Situation,
" and whoſe Temper could conform to all; as reſigned to
" the Duties of a Queen Conſort, as capable of the High
" Office of Guardian of the Realm; as ready to ſubmit, as
" able to command, and equally an Example to all Sove-
" reigns, when ſhe ruled, and to all Subjects, when ſhe obeyed.

" And though your Majeſty's juſt and great Concern on
" this Occaſion, would perhaps receive no Extenuation from
" the Comfort your faithful Commons might vainly try to
" adminiſter; yet, that nothing may be wanting on our
" Parts, which may contribute to the making your Majeſ-
" ty's Government (the Source of our Proſperity) as eaſy to
" yourſelf, as it has ever been to your Subjects; we do aſ-

" ſure

" ſure your Majeſty, that we will not only carefully avoid " all Heats and Animoſities, but will, with the greateſt " Readineſs, effectually raiſe the Supplies neceſſary for the " Service of the current Year; and, with a Zeal and Affec- " tion becoming the Repreſentatives of a grateful People, " make all neceſſary Proviſions for the Honour, Peace, and " Security of your Crown and Kingdoms; demonſtrating to " all the World, that the Support of your Majeſty's Go- " vernment, and the publick Safety, are conſtantly our " Care; and that we deſire nothing more than the Preſer- " vation of our wiſe and excellent Conſtitution in the ſame " happy, firm, and envied Situation, in which it was deli- " vered down to us from our Anceſtors and your Majeſty's " great Predeceſſors.

" But whilſt by theſe Means we endeavour to prevent " any additional Diſquiet from approaching your Royal " Perſon, we muſt beg Leave to lay again before Your " Majeſty the anxious Grief of Your whole People, toge- " ther with their moſt humble and earneſt Wiſhes, that your " Majeſty's known Reſolution may aid Time, in alleviating " your Sorrow for that Loſs, which nothing can repair, and " in reſtoring to your Majeſty that Tranquility of Mind, " which can alone free us from the moſt ſolicitous Fears for " a Life, on which the Happineſs of your Royal Family, " and of this afflicted Nation, ſo immediately depends."

Jan 27. The Speaker reported his Majeſty's Anſwer to the Addreſs of the Houſe, in the following Terms.

Gentlemen,

" I Return you my Thanks for this dutiful and very af- " fectionate Addreſs: I am ſo ſenſibly touched by this " convincing Proof of your particular Regard to me, that I " am not able, in this Diſtreſs, to command myſelf ſufficient- " ly to expreſs the juſt Senſe I have of your Affection " and Concern for me upon this Occaſion."

The Houſe then going into a Committee of Supply, his Majeſty's Speech was referred to the ſaid Committee.

Jan. 28. The Lord Sidney Beauclerk reported his Royal Highneſs's Anſwer to the Houſe; and it was as follows:

" I return the Houſe of Commons my Thanks, and thoſe " of the Princeſs, for the Share they take in the Increaſe " of the King's Family."

Several Eſtimates were then ordered to be laid before the Committee of the whole Houſe, to whom it was referred to conſider of the Motion for a Supply to be granted to his Majeſty.

Anno 11 Geo. II. 1737-8.

Feb. 3. Sir Charles Turner being in the Chair, in the Committee of the whole Houſe, to whom it was referred to conſider further of the Supply granted to his Majeſty, reported the Reſolutions which they had directed him to the Houſe. It was moved,

That the Number of effective Men to be provided for Guards and Garriſons in Great Britain, and for Guernſey and Jerſey, for the Year 1738, be, (including one thouſand eight hundred and fifteen Invalids, and five hundred fifty-five Men, which the ſix independant Companies conſiſt of, for the Service of the Highlands) ſeventeen thouſand ſeven hundred and four Men; Commiſſion and Non-Commiſſion Officers included. This being objected to, a Debate enſued, on which George Barclay Eſq; ſpoke to the following Purpoſe:

' Sir,

' It is very extraordinary, that a Reſolution like this ſhould be offered to the Committee, after the Multiplicity of Treaties, Conventions, Negotiations, and other Meaſures that have been lately carried on with almoſt every Court in Europe. I believe, Sir, there is not a Man in the Nation, except thoſe who are under the Direction and Influence of the Miniſtry, or in the Secret of Affairs themſelves, which I hope never to be, but expected, after we had been ſo long amuſed with the fine Effects that our pacifick Meaſures were to produce, that they at leaſt would be attended with a Reduction of the numerous Forces that are now on Foot: But ſo far from that, Sir, an Addition, it ſeems, inſtead of a Reduction, is to take Place. For my own Part, I never was at Pains to enquire what the proper Number to be reduced is, becauſe I own very frankly, that I have always been againſt any Standing Army in Time of Peace, as a Thing unknown to the Laws and Conſtitution of Britain, and deſtructive to the Liberty of her Subjects. Such, Sir, was always the Language of this Houſe, while we had a Government which underſtood how to make the Nation formidable Abroad, by preſerving to the Prince on the Throne the Love and Affection of his Subjects at Home. But this, Sir, is an Art that ſeems to have been loſt in Great Britain: But if our Miniſtry have loſt the Art of making themſelves beloved, they ſeem reſolved to make themſelves feared by the People.

I have heard it ſaid, Sir, that if we do not keep up a Standing-Army, every thing muſt run into Confuſion. Sir, I am one of thoſe who think that a Standing Army is worſe than the worſt Confuſion; and if Order is to be preſerved amongſt us by a Standing Army, I could wiſh that Things were to run into Confuſion, becauſe out of Confuſion Order might ariſe. Therefore, Sir, I am abſolutely againſt the preſent

preſent Motion. But if Gentlemen who have conſidered the Thing perhaps more than I have done, ſhall propoſe a Number which may not be dangerous to the Liberties of the People, I ſhall not be againſt the Motion.'

W. Hay, Eſq; ſpoke next to the following Effect:

' Sir,

' Gentlemen, when they talk of Negotiations and Treaties, ſpeak as if a Miniſter were to be as ſure of the Succeſs of the Event which depends upon various and impoſſible to be foreſeen Accidents, as he could be of a mathematical Propoſition. I am as much againſt a Miniſter's running into an idle, or an improbable Scheme of Negociation, and againſt his amuſing the Nation with groundleſs Hopes of Succeſs, or putting it to unneceſſary Expences, as any Gentleman here. But, Sir, Miniſters are to anſwer for the Reaſonableneſs, and not for the Event of their Meaſures: It is unjuſt to ſuppoſe them to be endued with the Spirit of Prophecy, ſo as to foreſee Contingencies, to prevent Deaths, or guard againſt every Accident that may happen; and I believe, Sir, if we do not ſuppoſe this, and if we coolly and impartially examine the Conduct of our Miniſtry for ſome Years paſt, we ſhall find they have acted as prudent and as rational a Part, as the wiſeſt Miniſters the hon. Gentleman can inſtance in any Period of our Hiſtory. Sir, if the hon. Gentleman will engage to ſhew me one Step made by the Adminiſtration that has been unſucceſsful purely from the Fault of our Miniſters, I will engage to ſhew him three in any other Reign that he ſhall be pleaſed to pitch upon. So that, Sir, unleſs Gentlemen come to the Point, and inſtance ſome particular Part of Conduct that is blameable in our Miniſtry, all theſe looſe general Reflections muſt go for nothing; becauſe they may be equally applied to a good, a bad, or an indifferent Miniſtry. But, Sir, I own this a Deviation from the preſent Queſtion, which is, Whether the Number moved for, is the Number proper to be kept up at this Juncture? Sir, I have as little Reaſon as moſt Gentlemen in this Houſe to wiſh for the Continuance of any Tax or Impoſition upon the People: I am ſure I may loſe, but never can gain by it. But I am for continuing the preſent Number of Forces, becauſe at preſent I enjoy both my Fortune and my Liberty; and ſhould we break or reduce our Forces to the Number the hon. Gentleman ſeems to wiſh for, I ſhould not be ſure of enjoying either of theſe Advantages till next Seſſion. This, Sir, I ſpeak from the Experience I daily have of the preſent Temper and Diſpoſition of the People without Doors. Every Rank and Degree of our Commonalty is ſo tainted with Diſſatisfaction againſt that Government under which we enjoy Liberty to as full and great a

o 11 Geo. II. 1737-8.

Degree as any People ever did, that I dare ſay, were it not for our Army, we ſhould ſoon ſee our Conſtitution ruined, and this Houſe rendered uſeleſs. In this Senſe it is, Sir, I vote for the preſentMotion; becauſe our Army ſerves at preſent to defend both my Fortune and my Liberty: For I dare affirm, that no Man who enjoys either, can be ſure of them an Hour longer after Things go into Confuſion, or after the Succeſſion to the Crown in the preſent Royal Family is ſet aſide. I ſhall not pretend to account to the Houſe for this general Diſſatisfaction and Degeneracy; but, Sir, one viſible, and I believe, the principal Cauſe of it, is the exorbitant Liberty, I ſhould rather call it Licentiouſneſs, of the Preſs. The Preſs, Sir, give me leave to add, when it is under proper Regulations, is one of the greateſt Advantages of a free People; but when proſtituted to Diſſatisfaction, Ambition, or Revenge, it becomes the Nuiſance of a Government. The laſt, Sir, happens to be the preſent State of the Liberty of the Preſs in Great Britain; no Rank orCharacter has been ſecure from the invenomed Attacks of the pretended Friends to Liberty; and Sir, as no People in the World are fonder of being acquainted with the Politicks of their Country than ours are, it requires no uncommon Strength of Parts or Genius to debauch them into a bad Opinion of the beſt Prince or Miniſter that ever was; it is but telling them, *You are the Judges of the Conduct of the Adminiſtration; it is you that furniſh the Expences of our Fleets and Armies, and therefore the Miniſtry ought not to make one Step without your Concurrence and Advice.* Sir, there is not a Shopkeeper, nay not a Porter in the Streets who does not underſtand theſe Arguments, who does not think himſelf qualified to be a Miniſter of State, and that he has as good a Title to judge of the Meaſures of the Government, as any Gentleman in this Houſe, or all the Gentlemen taken together. Any Man who flatters the Vanity of a Mob, will always have that Mob on his Side. This, Sir, ſeems to be the true, and the only Merit of all the Scribblers againſt the Government: And if the People feel any Inconveniency from the Number of Forces kept up, it is owing to them; for both Prudence and Neceſſity oblige the Government not to part with their preſent Force, for theſe Writers have but too good Succeſs in poiſoning the Minds of the People: I ſay, Sir, Neceſſity obliges us to it; for if you continue the Liberty of the Preſs, ſo as to protect every Scribler, who perhaps is hired to ſpirit up the People againſt their Governors, there is a Neceſſity that you ſhould continue your Army. But, Sir, I am far from inſinuating as if we were in any Danger from the Libertyof thePreſs: No, it is the Licentiouſneſs of the Authors, and not the Liberty of the Preſs that we are to dread; and till ſuch Time as ſome effectual

ſectual Stop is put to that Licentiouſneſs, I ſhall be againſt making any Reduction of our Forces.'

Anno 11 Geo. II. 1737-8.

W. Shippen, Eſq; next ſpoke to the following Purpoſe:

'Sir,

'The honourable Gentleman who ſpoke firſt for the Motion, has indeed made the beſt Excuſe for the Miniſtry that can be made; Miniſters are but Men, ſometimes weak Men; and though it would be unjuſt to ſuppoſe them endued with a Spirit of Prophecy, yet, I think they ſhould at leaſt be poſſeſſed of a tolerable Share of Prudence. I ſhould not indeed wonder if one or two Meaſures went wrong upon a Miniſter's Hand, through unavoidable Accidents; yet, I think it ſtrange that every Meaſure ſhould go wrong, that not one of the numerous Expedients that have been ſet on Foot for ſecuring the Tranquility of Europe, or providing for the Security of Great Britain, ſhould prove effectual. Sir, I own this gives me ſtrong Apprehenſions of what I am not inclined to expreſs on this Occaſion. I own that, with the hon. Gentleman who ſpoke firſt on this Motion, I was apt to think that the Round of Negotiations and Treaties we have been carrying on for theſe ten or twelve Years paſt with all the Powers in Europe, might have procured us at leaſt ome Reſpite from a Burden which our Forefathers never knew: I mean, Sir, that of a Standing Army; I call it a Standing Army, becauſe it has continued for theſe many Years, and we have always been told the ſame Things over and over again, as Reaſons why it is continued. I have, during many Years, told the Houſe every Seſſion that we ſhould have a Return of the very ſame Reaſons next Seſſion; but Gentlemen never ſeemed to believe me, though they have hitherto found my Words but too true. Now, Sir, as the ſame Cauſes have ſubſiſted for about theſe forty Years, without being any worſe for the wearing, I am apt to think they may ſubſiſt forty Years longer; and while the ſame Cauſes ſubſiſt, the ſame Effects muſt follow; ſo that in reality a Standing Army may be thought as much a Part of our Conſtitution, as the moſt lawful Prerogative, or Privilege, which either Prince or People can claim. But, Sir, though even the Gentlemen who are moſt converſant in publick Affairs, will, I believe, be puzzled to find out one new Argument in favour of a Standing Army, yet there is nothing eaſier than to bring twenty againſt it. The Reaſon of this, Sir, is becauſe it produces but one ſingle Good, which is the Security of the Adminiſtration; but it begets many Inconveniencies, two of which are the impoveriſhing the People, and the Increaſe of Taxes.

And here give me leave to ſay, Sir, that no Country can give more melancholy Inſtances of the Effects of a military Force than England can. The very Army which was raiſ-

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Anno 11 Gul. III. 1699-1700.

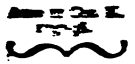
ed by the Parliament in Defence of the Subjects, ag[illegible] ſome Encroachments made by Charles I. upon their Liber[illegible] afterwards give Law to the Parliament itſelf, turn'd its M[illegible] bers out of Doors, raiſed our Conſtitution to the Foundat[illegible] and brought that unhappy Prince to the Block. This Ca[illegible] ſtrophe, Sir, was not owing to the People; for of them, nin[illegible] Parts in ten were well affected to the Perſon and Cauſe of th[illegible] King, but to their Army, which, like other wild Beaſ[illegible] turn'd upon and deſtroy'd their Keepers. After the Reſtora[illegible] tion of the Royal Family, the Prince then upon the Thron[illegible] raiſ'd a few Guards, which never exceed to above 5890, an[illegible] yet ſo jealous was the Nation even of that ſmall Number, that he could never get his Parliament, proſtitute as it was, to paſs over one Seſſion without taking notice of them. This, Sir, was the more extraordinary, as the Parliament was never ask'd for any Money for their Support, and the Money which was then raiſ'd for the Support of the Government was nothing when compar'd to the Sums that have been granted ſince. The next Parliament proved as uneaſy to him on this Head as the former had been, and were ſo diſtruſtful of his Intentions, that they appointed Commiſſioners of their own for applying the Money granted for diſbanding them, and it was paid into the Chamber of London. Nay, Sir, as a further Proof of the Apprehenſions the Nation was under from a Standing Army, they came to a Reſolution, 'That the 'Continuance of Standing Forces in this Nation, other than 'the Militia, is illegal, and a great Grievance and Vexation 'to the People.' I have mentioned this Period of our Hiſtory, Sir, to ſhew that notwithſtanding the Venality of that very Reign, the Parliament never could be brought to concur with what might one Day overthrow both their own and the People's Liberties. If the Nation was then ſo jealous of an inconſiderable Number, which did not coſt it a Shilling, ought we to conſent to keep on Foot ſo formidable a Number as 18,000? Sir, it is in vain for any Gentleman to ſay that the Army is under the Direction of a wiſe and a juſt Sovereign, who will never harbour a Thought inconſiſtent with the Good of his Subjects: I am as thoroughly perſuaded of his Majeſty's perſonal Virtues as any Gentleman; but an Army, when it once finds its own Power, may very probably refuſe to take Laws, even from that very Sovereign under whoſe immediate Direction they are. The Parliament's Army, Sir, was as abſolutely under the Direction of the Parliament in the Time of Charles I. as any Army is now under the Direction of his Majeſty, and yet, it is well known, they obeyed Orders no longer than they found it convenient for themſelves.

The

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Country

Their late Deliverance from [illegible] his Army, aimed at arbitrary Power [illegible] with ſo much Horror upon the Inſtitution of the Standing Forces, that there was an expreſs Proviſo againſt Standing Armies in Times of Peace inſerted in the Claim of Right, which we may in ſome Meaſure call the laſt great Charter of our Liberty. I own that it gives me great Concern to ſee Gentlemen, who have always valued themſelves upon treading in the Footſteps of thoſe who brought about the Revolution, act a Part ſo inconſiſtent with the Principles of their Anceſtors, by voting for this Queſtion. I know a Set of Men under a different Denomination, who have always been more moderate in their Pretences, but more ſteady in their Adherence to theſe Principles. I am not at all inclined to



receive any Party Diſtinctions; but I will venture to ſay, Sir, that let any Man compare the Conduct of ſome Gentlemen who have affected to paſs for Whigs, with that of Gentlemen who have always been looked upon as Tories, he ſhall find the latter acting a Part more conſiſtent with the Revolution Principles. He will find them oppoſing the Crown in every Encroachment upon the People, and in every Infringement of the Claim of Right. He will never find them complimenting the Crown at the Expence of the People, when in Poſt, nor diſtreſſing it by oppoſing any reaſonable Meaſure when out. Can ſome Gentlemen, Sir, who now affect to call themſelves Whigs, boaſt of ſuch an Uniformity of Conduct? Can they ſay that Times and Circumſtances never influenc'd the Meaſures they purſued? or that when they were in Poſts, they always acted in Conſequence of the Principles they profeſſed when they were out? Sir, I believe I have ſat long enough in this Houſe, to convince Gentlemen, if there were Occaſion, of very great Inconſiſtencies in certain Characters. But, Sir, I forbear it, becauſe the Eyes of ſome of theſe Gentlemen ſeem to be now open, and I hope theſe Diſtinctions are, in a great Meaſure, either entirely aboliſhed or better underſtood.

As no Queſtion, Sir, is of greater Importance, ſo none has been ſo frequently debated in this Houſe, as the preſent. Yet I never heard any Gentleman make a Doubt that a Standing Army in Time of Peace was a Grievance to the People of Britain. But, Sir, the Tories always oppoſed this Grievance. When his late Majeſty had, upon the Rebellion againſt him being ſuppreſs'd, for the Eaſe of his Subjects, order'd 10,000 of the Troops to be disbanded, I remember a particular Friend of mine, who always paſſed for a Tory, propoſed that it ſhould be inſerted in our Addreſs to his Majeſty on that Occaſion, *That nothing could more endear his Majeſty to all his Subjects, than the reducing the Land Forces to the old Eſtabliſhment of Guards and Garriſons, as his Majeſty found it at his Acceſſion to the Throne.* This, Sir, happen'd in the fourth Year of his late Majeſty's Reign, and had the Amendment propoſed by my Friend been agreed to, had his Majeſty thought fit to have made the propoſed Reduction, or, rather, had he been adviſed by his Miniſters to have done it, and had the military Eſtabliſhment continued on that Footing till now, we ſhould have diſcharg'd upwards of twelve Millions of our national Debt, and yet have enabled his Majeſty to have made good ſuch Engagements with his Allies, as tended to ſecure the publick Tranquility.

As to what the honourable Gentleman, who ſpoke laſt, mentioned with regard to reſtraining the Liberty of the Preſs, and concerning the general Depravity that obtains among the

the People, I ſhall leave him to be anſwered by other Gentlemen, who can do it much better than I. But, I agree with the honourable Gentleman ſo far, as to own that the People are at preſent very much diſſatisfied; and, as I think, that Ferment ought to ſubſide gradually, I am willing to give my Vote for a larger Number of Forces this Seſſion, than perhaps I may think neceſſary to be kept up the next. I therefore move, that the Number of Land Forces for the Service of the current Year may be twelve thouſand Men. Anno 11. Geo. II. 1737-38.

This Queſtion being put, the firſt remarkable Speech was that of the Lord Noel Somerſet, which was to the following Effect.

Sir,

'As the Queſtion now before you is a Queſtion of ſuch Importance, as that every Gentleman who votes in it, ought thoroughly to underſtand the Nature of our Conſtitution, I muſt beg leave to explain to you what I take to be the true and genuine Form of our Government, before I attempt to give my Opinion upon the Queſtion. I know there are many Gentlemen in this Houſe who underſtand our Conſtitution better than I can pretend to; I believe every one underſtands it as well, and I hope every one has as great a Regard for it: But I think myſelf obliged to explain to you the Notions I have of our Conſtitution, becauſe moſt of the Arguments I ſhall make uſe of in Favour of the preſent Queſtion, are ſuch as naturally flow from theſe Notions; and if I am wrong in any of them, I am ſure I cannot utter them in a Place where I can expect to have them corrected with more Ability, or with greater Candour. Lord Noel Somerſet

'Government, Sir, is an Evil which the perverſe Nature of ſome has obliged all to ſubmit to. Mankind, for the Sake of preſerving their Lives, and the Fruits of their Labour, againſt the Invaſions of the Wicked and Rapacious, have been obliged to form themſelves into Societies, and to promiſe Obedience to the Civil Magiſtrate; but that which was intended for protecting the People of the Society, is often made uſe of for their Oppreſſion; and inſtead of being a Bridle upon the Inclinations of the Wicked, it often ſerves to ſtrengthen their Hands, by tying up thoſe of the Innocent. To prevent this fatal Effect, many Sorts of Governments have been invented by Men, all of which may be reſolved into theſe three, to wit, the Monarchical, the Ariſtocratical, or the Democratical; for every Form of Government muſt either be a Monarchy, an Ariſtocracy, or a Democracy; or it muſt be a Mixture of ſome two of theſe, or of all the three.

'By Experience, Sir, it has been found, that when the ſupreme Power is lodged either in a ſole Monarch, or in a Set

Anno 11. Geo. II. 1737-38.

of Nobles, it often deviates into Tyranny; and that when it is lodged in the People in general, there is no Poſſibility of preventing it from running into Anarchy; and the next Step which follows is commonly a monarchical or ariſtocratical Tyranny; eſpecially, if the People of the Society be numerous, and their Dominions extenſive. For this Reaſon many various Sorts of Mixtures have been contrived by Lawgivers; but of all the Mixtures that ever were contrived, that of an equal Mixture of the three, is, I believe, the beſt, and moſt laſting. How our Anceſtors, the Germans, hit upon this Mixture; whether it proceeded from their Experience, or from their natural Sagacity, I ſhall not pretend to determine; but, it is certain, that from the earlieſt Accounts we have of them, this appears to have been the Form of Government generally eſtabliſhed among them. The ſupreme Power among them was always lodged in an Aſſembly of their King or General, their Nobles or Chiefs of Families, and their People or Soldiers in general. In this Aſſembly all Matters of great Importance were conſidered and determined; the King and Nobles propoſed and reſolved, and the People conſented or diſapproved. The Powers and Privileges of theſe three Branches of their Legiſlature, were not perhaps ſo diſtinctly aſcertained as they are by the preſent Form of our Conſtitution; or if they were, no certain Account of them has been handed down to us; but it is plain that the ſame Spirit, upon which our preſent Conſtitution is founded, was the prevailing Spirit in their Form of Government; and this Spirit may be traced from the Beginning of our Hiſtory to this very Day.

'The Spirit I mean, Sir, is, to have in our Form of Government ſuch an equal Mixture of the monarchical, ariſtocratical, and democratical Forms of Government, that each may prove a proper Counterpoiſe to the other, in ſuch a Manner, as that all theſe three conſtituent Powers may continue equal and independant. If they do, any one of them may, and always will, be a Guard for our Conſtitution and for our People, againſt the Violence and Oppreſſion of both, or either of the other two. If our King ſhould reſolve to make himſelf abſolute, or if he and his Miniſters ſhould begin to oppreſs the People, both this and the other Houſe would certainly join together, in oppoſing ſuch Schemes; if the other Houſe ſhould begin to ſet themſelves up as ſovereign and arbitrary Maſters of our Government, the King and this Houſe would certainly join againſt them; and if this Houſe, as perhaps has been the Caſe, ſhould begin to ſet ourſelves up as Maſters, the King and the Houſe of Lords would as certainly join againſt us, and probably, by Means of a Diſſolution and new Election, be able to prevent every fatal

fatal Conſequence. Again, if any two of theſe Branches of our Legiſlature, ſhould join together in any Scheme for oppreſſing the People, they could not carry their Scheme effectually into Execution without the Concurrence of the Third; but on the contrary, that third Branch of our Legiſlature, with the Aſſiſtance of the People, would probably be able not only to diſappoint, but to puniſh the Authors of ſuch a Scheme.

'Therefore, Sir, while our Conſtitution remains entire, while the three conſtituent Parts of our Form of Government remain equal and independant, our People can never be oppreſſed, nor can a barefaced arbitrary Power ever be eſtabliſhed. From hence every one may ſee, that from our Conſtitution, conſidered in itſelf, without any undue Influence, we can have nothing to apprehend; the only Danger we are expoſed to, is, that of its Diſſolution; and for this Reaſon we ought to conſider carefully, and guard watchfully againſt all thoſe Methods by which it may be overturned. The only Methods by which our Conſtitution can be overturned, and conſequently the only Evils we have to guard againſt, is leſt any one of the Branches of our Legiſlature ſhould get the abſolute Direction of the other two, and leſt any one, by a Diſſolution or Diſcontinuance of the other two, ſhould be able to aſſume to itſelf an abſolute and arbitrary Power. As the Power of calling, proroguing, and diſſolving the Parliament, is lodged intirely in the Crown, as the Execution of our Laws, is now more fully and extenſively lodged in the Crown, than it was by the antient Form of our Conſtiution, and as his Majeſty is provided with a very large Revenue for Life, I cannot think there is the leaſt Danger, that either Houſe of Parliament will become able to preſcribe to the other and to the King; therefore, we are at preſent in no Danger of either Houſe of Parliament's ever getting the abſolute Direction of the other two Branches of our Legiſlature, as was once the Caſe in this Nation.

'But, Sir, that the Crown may be able to get the abſolute Direction of both Houſes of Parliament, and may conſequently make both intirely dependant upon the King, or rather upon the King's Miniſters, for the Time being, I muſt think we are at preſent in ſome Danger: Nay, I muſt ſay, I think we are in ſuch Danger, that I am afraid nothing preſerves us from it but his Majeſty's known Wiſdom, Juſtice, and Moderation. I have, I confeſs, ſuch a bad Opinion of Mankind, that I believe the Generality of them will ſacrifice the publick Good for their private Advantage, often for a very trifling private Advantage, eſpecially when they can do it, without bringing immediate Infamy and Re-

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proach upon themſelves. This, I am ſorry to ſay it, is my Opinion of the Generality of Mankind; and conſidering what vaſt Sums of Money, and what a vaſt Number of lucrative Poſts and Employments, of all Sorts and Sizes, the Crown has to beſtow yearly, and what extenſive Powers have been put into the Hands of the Crown, by the many penal Laws lately enacted, I am much afraid that if his Majeſty would allow his Miniſters to apply them towards managing and purchaſing Votes at Elections, or even in Parliament, it would ſoon come to be in the Power of the Crown to direct both Houſes of Parliament; for if the Voting at Elections, or in Parliament, from corrupt Conſiderations, ſhould once come to be frequent, the Frequency of the Crime would extenuate the Guilt, and the Multitude of Criminals would ſmother that Reproach, which now ſo deſervedly attends ſuch an infamous Practice.

'By ſuch Means, Sir, and by ſuch a general Depravity, the Crown may acquire a deciſive Influence, if not the abſolute Direction of both Houſes of Parliament; and if it ſhould, our Conſtitution would be undone, our Government would become an abſolute and an arbitrary Tyranny; it would become one of the worſt, one of the moſt oppreſſive and wicked Sorts of Tyranny; becauſe the Crown would be obliged to oppreſs the People, in order to be able to corrupt the Electors, that at leaſt the outward Show of our antient Conſtitution may be kept up. This, I ſay, Sir, would be our Caſe, if the Crown, by Means of Poſts and Employments, and other Favours it has to beſtow, ſhould get the abſolute Direction of both Houſes of Parliament; and every Gentleman knows how greatly our Army adds to the Number of thoſe lucrative Poſts and Employments, and what an Influence the Commiſſions in our Army may have upon ſome of the beſt Families in the Kingdom; a Conſideration that of itſelf is ſufficient to put Gentlemen upon their Guard againſt too numerous a Standing Army.

'But, Sir, with reſpect to the Safety of our Conſtitution, this is not the only bad Effect of keeping up a large Standing Army. Suppoſe that ſome future King, for we can be in no ſuch Danger from the preſent, ſhould by corrupt Means get the abſolute Direction of both Houſes of Parliament, and that by the ſame Means he ſhould diſappoint the People of obtaining Redreſs upon a new Election, what could the People then do for vindicating their Liberties and reſtoring their Conſtitution? They could not propoſe to do it by any legal Means; they could have no Recourſe to any thing but the *Ultima Ratio Regum*, which upon this Occaſion I ſhall beg Leave to call the *Ultima Ratio Populi*. No Man could then, either for the Preſervation of his Life, his Liberty, or his

his Eſtate, put his Truſt in the Laws or Conſtitution of his Country; he could put his Truſt in nothing but the Succeſs of his Arms; and if the People, upon ſo juſt an Occaſion, ſhould fly to Arms, what an Advantage would the tyrannical Government have over them, by having a numerous mercenary Army, well diſciplined, well armed, and ready to march at an Hour's Warning, againſt any Number of the People that ſhould dare to aſſemble in Arms, for vindicating the Liberties and Conſtitution of their Country. This every future Government, Sir, will be ſure of having, if we ſhall thus every Year, without any apparent Neceſſity, agree to continue ſo great a Number of Forces on Foot; becauſe then a Standing Army will ſoon be look'd upon as a Part of the Conſtitution. Gentlemen may exclaim as much as they pleaſe againſt Mobs, Tumults, and Inſurrections: I ſhall grant it as an unluckyThing for a Country to have any ſuch; but it is rather a Sign of the Government's wanting Wiſdom and Juſtice, than of their Want of Power, becauſe Inſurrections are moſt frequent in the moſt arbitrary Governments. In a free Country, an Inſurrection may become juſt and neceſſary, and if you give your Government a Power ſufficient for ſuppreſſing ſuch an Inſurrection, the ſame Power muſt neceſſarily be ſufficient for eſtabliſhing arbitrary Power; from that Time, perhaps, you may not be troubled with any Inſurrections among the People; the only Inſurrections you are then to dread, are Inſurrections among thoſe Slaves, or, if you will, that Soldiery which you maintain for holding the People in Slavery; and theſe Inſurrections will be as frequent, and as dangerous to thoſe in Power, as the Inſurrections among a free People can poſſibly be.

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'Let us conſider, Sir, that ſince all our military Tenures have been annihilated, and our People become altogether unaccuſtomed to military Diſcipline, and unprovided with Arms, a much leſs numerous Standing Army may now be ſufficient, for keeping the People in a ſlaviſh Subjection, than would have been neceſſary for ſuch a Purpoſe in former Times. If the Caſe I have mentioned ſhould happen, if an ambitious Prince, or wicked Miniſter, ſhould manage ſo as to get, by corrupt Methods, the abſolute Direction of both Houſes of Parliament, and that there were no Method left for vindicating the Rights and Liberties of the Nation, but by Force of Arms; give me Leave to ſay, Sir, that by the Revolution Principles, it would be very lawful to reſiſt ſuch a Government; but if it had a Standing Army to ſupport it, they could not be able. And if they ſhould attempt to do it and fail, every Man amongſt them would be as liable to be hanged and forfeited by Law, as thoſe who enter into any Plot againſt the moſt juſt and lawful Government;

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ment; therefore, it would be extremely dangerous, I believe abſolutely impoſſible, to carry on any general Concert, or to provide Arms for ſuch a Purpoſe; and as there is now no great Man, nor, I believe, any two great Men, in the Kingdom, who are able to bring any conſiderable Number of armed Men into the Field, without a previous Concert for that Purpoſe among a great Number of Perſons, therefore it will always be eaſy for our Government, with a ſmall Number of regular Troops, to cruſh any Inſurrection before it can come to a Head; whereas, whilſt our military Tenures continued, any two or three of our great Men joining together could, without any previous Preparation, or communicating the Secret to any other Perſon, bring a numerous Army of well diſciplined and well armed Men into the Field againſt the Government; ſo that a Standing Army cannot be ſaid to be ſo neceſſary now as it was then, and yet our Government was then ſupported, our Laws executed, and the Peace of the Kingdom preſerved, under every juſt and wiſe Adminiſtration, without a Standing Army, as well as it has been ſince, or will, I believe, ever be, with the moſt numerous Standing Army we can propoſe to keep up. The only Difference is, that in former Times, if the People did not find a proper Redreſs in the Laws and Conſtitution of their Country, they generally found it in the Superiority of their Arms; but if they give thoſe Arms out of their Hands, and put them into the Hands of a Standing Army, they can, upon ſuch a melancholy Occaſion, no where expect Redreſs; for the very Men, in whoſe Hands they have put their Arms, will always be under the Direction of thoſe againſt whom they have Reaſon to complain.

'From what I have ſaid, Sir, I hope it appears to Gentlemen, that the Preſervation of our Conſtitution, and the Happineſs of our People, can depend upon nothing but the Honour of the Gentlemen of our Army; and whatever Regard and Eſteem I may have for thoſe who are at preſent the Officers of our Army, yet when I conſider how eaſy it is for a wicked Miniſter to garble and make the Army fit for his Purpoſe, I muſt think the Honour of a mercenary Army but a precarious Dependance; a Dependance which the People of this Nation ought never to rely on, becauſe, by our preſent Eſtabliſhment, that Army muſt be under the abſolute Direction and Command of that Sort of Men, who have always been, and always will be, the greateſt Enemies to our Liberties and Conſtitution.

'I have now, I think, ſhewn, Sir, that a Standing Army may be extremely proper, not only for enabling ſome future King to get the abſolute Direction of both Houſes of Parliament, but alſo for preſerving to him that Direction againſt

againſt the only Method the People can, in ſuch a Caſe, take for regaining their Liberties, and reſtoring their Conſtitution; therefore a ſtanding Army may greatly contribute towards rendering fatally ſucceſsful, one of the Methods by which I have ſaid our Conſtitution may be overturned; I mean, that of one of the Branches of our Legiſlature's getting the abſolute Direction of the other two. Let me now conſider the only other Method, by which I have ſaid our Conſtitution may be over-turned, which is, that of one of the Branches of our Legiſlature's aſſuming to itſelf an abſolute and arbitrary Power, by the Diſſolution or Diſcontinuance of the other two. Anno 11 Geo. II. 1737-8.

'Here likewiſe, Sir, I muſt think our Conſtitution not in the leaſt Danger from either Houſe of Parliament; becauſe the King can put an End to their aſſembling, by a Prorogation or Diſſolution, whenever he has a Mind; and becauſe no ſuch Thing can be done without an Army, the General of which would very probably do the ſame Thing *Oliver Cromwell* did; therefore we can hardly ſuppoſe that either Houſe of Parliament can, or will attempt any ſuch Thing: But if ever our Parliaments ſhould become refractory, and begin to oppoſe the Meaſures of the Court, or attempt to bring to Juſtice any of thoſe Minions who they have Reaſon to think have adviſed their Maſter to take unconſtitutional Meaſures, we have great Reaſon from Experience to apprehend, the Court Favourites would do as they have always done; they would endeavour to perſuade the King to diſſolve the Parliament, and to aſſume to himſelf an arbitrary Power, by governing without any Parliament at all. This has been often before attempted, and it muſt be granted, the Crown has now a greater Probability of Succeſs in this Way, than it ever had before, becauſe of the great Revenue now ſettled upon the Crown, and the great Revenue yearly coming into the Exchequer, for paying the Intereſt and Principal of our publick Debts; for after a Miniſter has paſſed the Rubicon, by adviſing a King to reign without a Parliament, he will certainly make as little Scruple to ſeize upon the ſacred publick Treaſure of Britain, as Julius Cæſar did to ſeize upon that of Rome.

'Under his preſent Majeſty we have not, 'tis true, Sir, any ſuch Danger to apprehend; beauſe his Wiſdom and Goodneſs, and the Regard he has for our Conſtitution, will always be more than a Balance for any ſuch wicked Advice. He will conſider, that, tho' by our Conſtitution the King can be guilty of no Crime, yet by endeavouring to overturn the Conſtitution, in order to ſkreen a favourite Criminal, he may bring the Reſentment of the People upon himſelf, and that the People's Reſentment may, upon ſuch an Occaſion, exceed

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exceed the Bounds of our Conſtitution. But as the ſame Civil Liſt Revenue will, unleſs ſome very favourable Opportunity ſhall preſent for leſſening it, probably be continued to his Majeſty's Succeſſors, and as the ſame Taxes muſt be continued, I'm afraid, for many Years, before all our publick Debts can be paid off, therefore the Crown and the Exchequer will, perhaps, for ſeveral Generations, be provided with the ſame yearly Revenues; and as we cannot promiſe ourſelves the Happineſs, that all his Majeſty's Succeſſors will be indued with the ſame Wiſdom and Goodneſs, we ought not to add to theſe Temptations, the Temptation of having a numerous Standing Army to depend on. Give me leave, Sir, to ſuppoſe, that the Houſe of Commons, in ſome future Reign, ſhould enter into a ſtrict Enquiry, with reſpect to ſome of the Meaſures of the Adminiſtration; that upon the Iſſue of ſuch an Enquiry they ſhould order ſome of the Miniſters to be impeached; and that thoſe Miniſters, for their own Preſervation, ſhould adviſe the King to diſſolve the Parliament, and ſeize upon all our Funds: The moſt powerful Argument an honeſt Man at Court (if there ſhould be any ſuch) could uſe againſt this Advice, would be to ſay: 'Sir, 'if you do this, your People will take Arms againſt you; 'the City of London will riſe in Arms, and perhaps tear 'you as well as your Miniſters to Pieces.' Would not it be a good Anſwer to ſay? 'No, Sir, you have nothing to fear 'from your People; they are unaccuſtomed to Arms, and 'unacquainted with military Diſcipline; you have a numerous and well diſciplined Army to depend on; and if any 'of the Officers ſhould heſitate in the leaſt to obey your Orders, you may have them immediately ſhot, and give 'their Commiſſions to their Serjeants or Corporals: You 'may protect your own Honour, and the Lives of your 'faithful Servants, by means of your Army; whereas if 'you make a Sacrifice of any one of us to a factious Parliament, you do not know when or where they will ſtop.' This, Sir, would certainly be the Anſwer that would be made by guilty Miniſters; and I muſt leave Gentlemen to conſider, what an Effect it might have upon a weak King, and a guilty Cabinet Council.

'Now, Sir, give me leave to ſuppoſe, what I hope never ſhall happen, that any future weak King ſhould follow ſuch a wicked Advice: What Remedy could the People have? What Method could they take for vindicating their Liberties and Privileges? Would it be poſſible to contrive any other Method than that of open Force? And in the Circumſtances the Nation is now in, can we ſuppoſe that ſuch a Method would be practicable, if the Court had an Army of 18 or 20,000 well diſciplined mercenary Troops to depend on? It

ſignifies

ſignifies nothing to ſay, that the Mutiny Act would expire; or that the Land Tax and Malt Tax Acts would expire; and that therefore the Court could not keep the Army in Order, nor be able to ſupport the publick Expence, and pay the yearly Intereſt growing due to the Creditors of the Publick: The Court would immediately ſet up the Doctrine already too frequently talked of by ſome unthinking Men, 'That the People were become ſo factious and ſeditious, there was no governing them but by arbitrary Power; and that therefore it was become neceſſary to give the Force of a Law to his Majeſty's Proclamation. This Doctrine would be propagated through the Kingdom, by the Placemen and Officers almoſt of every Rank and Degree; it would be greedily ſwallowed, I believe, by moſt of thoſe called Soldiers of Fortune in the Army; and I am afraid moſt Men would chuſe to ſubmit patiently to an Evil, for which they could not in all human Probability ſee any Remedy, and which there would be great Danger in oppoſing. The Mutiny Act, the Land Tax Act, and the Malt Tax Act, would be continued by Proclamation: And what Soldier would dare to diſpute the Continuance of the firſt, if immediate Death were to be the certain Conſequence of every ſuch Obſtinacy, or Mutiny, as it would then be called? What landed Gentleman, or what Maſter, would refuſe paying his Quota of the Land Tax, or the Malt Tax, if the Collectors and Officers were every where to come attended with a Troop of Dragoons, or a Company of Foot? Even the Intereſt payable to the Creditors of the Publick, upon thoſe Debts that were contracted to preſerve our Liberties, would be made Premiums for enforcing the Meaſures of the Court; for if the Court could pay, or refuſe to pay Intereſt to whomſoever they pleaſed, we may depend on it, they would pay no Intereſt but to ſuch as ſhewed themſelves peaceable, obedient, and loyal Subjects,

'Thus, Sir, I think it muſt appear, that without a Standing Army, our Conſtitution cannot poſſibly be irrecoverably overturned; and that with a numerous Standing Army, it may be in the Power of the Court to overturn it whenever they have a Mind: At the ſame Time I am not againſt our keeping up as many Troops as may be found abſolutely neceſſary for guarding us againſt any Inſult from abroad, or any Diſturbance at home. But I am fully convinced, that 18,000 is a much greater Number than is neceſſary; for I hope it will not be ſaid, we ought to keep up ſuch a Number as may be ſufficient to defeat the moſt juſt and general Inſurrection of the People; and 12,000 is, I am ſure, more than ſufficient for apprehending Smugglers, or ſeizing ſmuggled Goods, for quelling any Mob that can

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happen, or even for defeating any unjuſt and ſeditious Inſurrection; becauſe if a Spirit of Sedition ſhould begin to appear in any particular Part of the Kingdom, the greateſt Number of the Troops muſt be quartered in that Corner; and if a ſmall Number of Men ſhould unexpectedly fly to Arms in any Corner, it will always be eaſy for the Government to augment their Army, and provide for their Defence, faſter than the Rebels can aſſemble, or provide for attacking them. This, I ſay, Sir, will always be the Caſe, unleſs the Diſcontent ſhould become general and violent all over the Kingdom; and in that Caſe the People muſt be pacified by a Change of Miniſters, or a Change of Meaſures: In ſuch a Caſe ſome ſoft and peaceable Meaſures muſt be made uſe of for ſatisfying the People, and for removing thoſe Grievances they may have Reaſon to complain of, which a free and independant Parliament will always be able to effectuate; for ſurely no Man will ſay, that for the Security of thoſe who have, by their Folly or Wickedneſs, raiſed ſuch a general Diſcontent, we ought to give them ſuch an Army as may enable them to overturn our Conſtitution; becauſe, as the Security of ſuch Men muſt always be abſolutely inconſiſtent with our Conſtitution, they will therefore certainly make uſe of that Army for its Overthrow.

'The chief Expeditions upon which our Army has been of late employed, have been againſt Smugglers and Mobs; but Sir, an Army of 12,000 Men will always be more than ſufficient for quelling them. Therefore the only Reaſon that can be aſſigned for keeping up a greater Number, is the Danger we may be in from foreign Invaſions. As to this, Sir, if we conſider our happy Situation, and the formidable Squadrons of Men of War we are able to put to Sea upon a few Days Warning, we cannot poſſibly think ourſelves in any Danger, as long as the Government retains the Hearts and Affections of the People; for ſurely it cannot be ſaid, that a foreign Army of 4 or 5000 Men, even with the Aſſiſtance of ſome few of our Countrymen, who may then happen to be diſaffected or ſeditiouſly inclined, would be able to conquer theſe three Kingdoms; and if any of our Neighbours ſhould think of invading us with a much greater Number, they could not do it without ſeveral Months previous Preparation, which we would certainly hear of, and by ſending out a ſuperior Squadron, might lock them up in their Ports, or ſink moſt of their Ships before they could approach our Coaſts; and in the mean Time, we would have an Opportunity of raiſing a Land Army ſufficient to give them a proper Reception, in caſe, by any Accident, they ſhould have the good Luck to eſcape our Fleet at Sea.

'For this Reaſon, Sir, I muſt be of Opinion, we can never be

be in any Danger of an Invaſion, as long as our Government takes Care, by a juſt and wiſe Adminiſtration, to cultivate and retain the Affections of our People; and if our People ſhould, from the Folly or Wickedneſs of an Adminiſtration, become generally diſcontented, the Parliament, while it continues free and independant, will always be able to remove that Diſcontent, by giving Satisfaction to the People, and inflicting condign Puniſhment upon thoſe who have been the Cauſes of their Diſcontent. From whence I muſt conclude, that the keeping up of more than 12,000 Men in this Iſland, can never be neceſſary for the Support of any Government, but ſuch a one as has overturned our Conſtitution, either by corrupting our Parliaments, or by ruling without any Parliament at all.' Anno 11 Geo. II. 1737-8.

The next remarkable Speech which was made upon this important Queſtion, was that of the Right Honourable Sir Robert Walpole, who ſpoke in Subſtance as follows, viz.

Sir,

'That the Queſtion now before you is a Queſtion of great Importance I ſhall readily agree, and therefore it is with great Concern, it is even with Reluctance I attempt to ſpeak upon it. I am convinced no Reduction of our Forces ought to be made; I am convinced the ſame Number we now have ought to be kept up, at leaſt for this enſuing Year; and yet I do not well know how to give my Reaſons, or how to expreſs myſelf on ſuch an Occaſion: For as a Standing Army muſt always be expenſive, and if it ſwells to too great a Number, may be dangerous to the People, I could wiſh with all my Heart that no ſuch Thing were ever neceſſary; but if we conſider the preſent Circumſtances of this Nation, and the preſent Circumſtances of every one of our Neighbours, we muſt view a Standing Army in the ſame Light, in which the honourable Gentleman has told us Society, or Government itſelf ought to be viewed; we muſt look upon it as an Evil which we are obliged to ſubmit to, for the Sake of avoiding a greater. Sir R. Walpole.

'The honourable Gentleman, who ſpoke laſt, Sir, has given us a very ingenious, and, I believe, a very juſt Deſcription of our Conſtitution, and has with great Judgment pointed out to us the Dangers to which we are, or may be expoſed; but I cannot think a Standing Army, conſtituted as our preſent Army is, can be of any ſuch dangerous Conſequence to our Conſtitution as he has repreſented, were it much more numerous than it is at preſent. An Army compoſed intirely of our own Subjects, and commanded by Gentlemen of the beſt Families, and ſome of them of the beſt Eſtates in the Kingdom, and an Army depending for its very Being upon the annual Conſent of Parliament, can no way

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contribute towards rendering the Parliament altogether dependent upon the King or his Miniſters, nor can it contribute towards enabling the King to govern without any Parliament at all. While our Parliament meet regularly once a Year, and are rechoſen once every ſeven Years, no Gentleman of the Army can propoſe to have a Seat in Parliament, unleſs he be a Man of Family and Fortune in his Country; and though a Commiſſion in the Army may perhaps, and I hope always will, make ſuch a Gentleman join with more Alacrity than he would otherwiſe do, in ſupporting the Government againſt factious Complaints, or ſeditious Inſurrections; yet no Commiſſion will ever make ſuch a Man give his Conſent to any thing in Parliament, which he may think oppreſſive upon the People, or which may, in his Opinion, tend towards overturning our Conſtitution.

'As every ſuch Officer muſt have a great many Friends and Relations among the People, his Regard for his Friends and Relations will prevent his joining in oppreſſive Meaſures for the Support of any Adminiſtration; and as the Happineſs and Security of his Friends and Relations, nay of his own Property, depends upon the Preſervation of our Conſtitution, it cannot be ſuppoſed he will, for the Sake of any Commiſſion he can enjoy or expect, give his Vote in Parliament for any Meaſure that may evidently tend towards the Overthrow of our Conſtitution. Therefore, while our Army is commanded by ſuch Gentlemen as it is at preſent, 'tis not to be ſuppoſed it can contribute towards breaking the Balance of the Conſtitution; no Sort of Garbling, Sir, can be ſufficient for this Purpoſe, becauſe if the Commiſſions in our Army ſhould be given to Men of no Families or Fortunes, it would be impoſſible to get any great Number of them brought into Parliament.

'The only remaining Danger therefore is, that our Army may enable ſome future King to govern without any Parliament at all; and as this would be a total Overthrow of our Conſtitution at once, it cannot be ſuppoſed that Gentlemen of Families or Fortunes would unanimouſly join in ſupporting ſuch a Government: On the contrary, we muſt both from Reaſon and Experience ſuppoſe, that the greateſt Number of them would declare for their Country, and would join in proper Meaſures for reſtoring the Conſtitution, and bringing to Juſtice thoſe Miniſters who had attempted its Overthrow. This, I ſay, Sir, we muſt ſuppoſe would be the Behaviour of moſt of thoſe Gentlemen of Families or Fortunes, who might at ſuch an unlucky Juncture be Officers in our Army; and as they will always have a great Sway among the other Officers and Soldiers, we have no Reaſon to doubt that they would be followed, as they were

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n the Caſe of King James's Attempt to ſubvert our Liber-ies, by the greateſt Part of our Army. From whence, I have, I think, good Reaſon to conclude, that whilſt our Army is commanded, as it is at preſent, by Gentlemen of the beſt Families and Fortunes in the Kingdom, it will always be ſo far from being dangerous to our Conſtitution, that it muſt be look'd on as one of its greateſt Securities.

'An Army, Sir, of foreign mercenary Troops, or an Army compoſed of the Scum of the People, and commanded by Men of no Families or Fortunes in the Country, may contribute towards enabling a Government to oppreſs the People, or to diveſt them of their Liberties and Privileges; and by ſuch Armies only an arbitrary and oppreſſive Government can be ſupported. It was not, Sir, by an Army entirely compoſed of Roman Citizens that Julius Cæſar overturned the Liberties of Rome: It was by an Army which conſiſted, in a great Meaſure, of the Inhabitants of thoſe Countries which had been conquered by the Romans; and that Army was commanded chiefly by Romans of mean Families, or ſuch as depended entirely upon the Fortune and Favour of their General. By ſuch an Army it was that Rome was brought into Slavery, and by ſuch Armies the Romans were afterwards held in Slavery; for the Roman Emperors had always great Bodies of People, who were neither Natives of Rome, nor of Italy, in their Pay, and by their Means they kept in Awe ſuch of the Roman Armies, as afterwards appeared in the leaſt inclined towards reſtoring the Liberties of the Country.

'At this Day, Sir, the arbitrary and tyrannical Government of Turkey is chiefly ſupported by an Army of Janizaries; an Army of Men who are ſo far from having any Relations among the People, that few or none of them know who were their Parents, or what Country they were born in: And in our neighbouring Country of France, we know that they have always great Bodies of foreign Troops in their Pay, who have no Relations among the People of France, nor any Knowledge of, or Concern for, the antient Form of Government in that Kingdom. But as they have likewiſe a great Army of Natives, and that Army generally commanded by Men of the beſt Families in the Kingdom, therefore, tho' their preſent Form of Government be abſolute, yet it is not ſo arbitrary and tyrannical as that in Turkey; for if their Government ſhould begin to oppreſs their People in a tyrannical Manner, I believe every Gentleman who knows the Diſpoſitions of the French Officers, will allow that the greateſt Part of the native French Officers and Soldiers would certainly join with the People, and would probably get the better of ſuch a Government, tho' ſupported by all the foreign Troops they have

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have in their Pay; ſo that the preſent Government of France may be properly ſaid to be ſupported by the Juſtice and Wiſdom of its Meaſures, rather than by its Standing Army, or the Abſoluteneſs of its Form; and while the Government in this Kingdom follows the ſame Sort of Meaſures, it certainly ought to be ſupported not only by our Army, but alſo by our Parliament.

'The only Danger, therefore, Sir, we are expoſed to by Means of our Army, is, leſt ſome future ambitious King, or wicked Miniſter, ſhould garble our Army, ſo as to make it fit for deſtroying the Liberties of the People, and ſupporting an arbitrary and tyrannical Rule. This is a Danger we muſt always remain expoſed to, as long as we keep up any Thing like a Standing Army; but this is a Danger which, I think, we are ſufficiently guarded againſt, and, I hope, ever ſhall be, both by the Method in which our preſent Army is kept up, and by the Smallneſs of its Number. As our preſent Army is kept up only from Year to Year, by Authority of Parliament; if this Method of Garbling ſhould be begun before the End of a Seſſion of Parliament, that very Seſſion could, and certainly would, not only take notice of it, but contrive ſome Method for preventing it; and in this the Parliament would certainly have the Concurrence and Aſſiſtance of every Gentleman of the Army, who happened then to have the Honour of being a Member of either Houſe; for as they would probably be the firſt Sufferers by ſuch a Garbling, they would be the moſt forward in taking Meaſures to prevent it. Again, if this Garbling ſhould not be begun till after the Seſſion of Parliament was broke up, it muſt be compleated before the Lady-Day following; becauſe all the Gentlemen of Family or Eſtate who might then be in the Army, would, after the Lady-Day following, certainly refuſe to act as Officers, without a new Authority from Parliament; and if all the Officers of Diſtinction in the Army ſhould be turned out at once, or in eight or nine Months Time, they would certainly join with the People in vindicating the Rights of their Country; and their Sway in the Army would for ſome Time after their Diſmiſſion remain ſo conſiderable, that in Caſe of a Civil War's breaking out, which would certainly be the Caſe that very Moment the Government pretended to continue the Army without the Conſent of the Parliament, moſt of the Soldiers would in all Probability deſert their new Officers, in order to follow their old; by which Means the regular Troops would come to be at leaſt equally divided; and the People, with the Aſſiſtance of one Half of the Army, would in all human Appearance get the better of the other Half, which remained attached to the Government.

But

'But granting Sir, that ſome future ambitious King, or wicked Miniſter ſhould reſolve to govern without a Parliament, and to continue the Army without any new Authority from Parliament; and likewiſe ſuppoſe that that Army ſhould, every Man of them, Officer as well as Soldier, remain firmly attached to the Government, and unanimouſly join in ſupporting ſuch an uſurp'd and tyrannical Power, againſt thoſe Efforts which would certainly be made by the People, for recovering the Liberties and Conſtitution of their Country; yet a Body of 18000 of the beſt regular Troops that ever were in the World, would never be ſufficient for ſupporting a Government againſt the united Force of the whole People of Great Britain: For tho' a ſmall Number of regular well diſciplined Troops may, and do often, get the better of a much ſuperior Number of Militia, or new-raiſed and undiſciplined Troops, yet 18000 Men could not ſtand againſt ſo many Thouſands of good Men, tho' not experienced Soldiers, as could be brought againſt them from the ſeveral Counties of Great Britain: Even ſuppoſe they ſhould get the better at the two or three firſt Battles or Rencounters, yet their Enemies would improve by every Defeat; ſo that, as the Swedes did in the laſt War with the Muſcovites, they might beat their Enemy into good Diſcipline, and by often defeating them, might teach them how to defeat in their Turn.

'From what I have ſaid, Sir, it muſt appear, that our Conſtitution can never be in Danger of being overturned by Means of an Army, conſtituted as our preſent Army is, and not more numerous than that we have now on Foot. Such an Army only preſerves the Conſtitution againſt Faction and Diſaffection, and protects the People againſt domeſtick Rapines and foreign Invaſions. And ſuch an Army, Sir, I am afraid will always be neceſſary to be kept up here. This naturally leads me to conſider the ſeveral Reaſons we may now have, for keeping up the ſame Number of regular Forces we have at preſent; and as I have mentioned Diſaffection, I ſhall begin with that Reaſon, which proceeds from the great Number of diſaffected Perſons we have ſtill the Misfortune to have amongſt us. Suppoſe, Sir, we have at preſent nothing to fear from any foreign Enemy, yet it cannot be ſaid we are in abſolute Security, or that we have nothing to fear. There is one Thing I am ſtill afraid of, and it is, indeed, the only Thing, I think, we have at preſent to fear. Whether it be proper to mention it upon this Occaſion, I do not know: I do not know, if I ought to mention it in ſuch an Aſſembly as this: I am ſure there is no Neceſſity for mentioning it, becauſe I am convinced every Gentleman that hears me is as much afraid of it as I am. The Fear I mean, is that of the Pretender:

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der: Every one knows there is ſtill a Pretender to his Majeſty's Crown and Dignity; there is ſtill a Perſon who pretends to be lawful and rightful Sovereign of theſe Kingdoms; and, what makes the Misfortune much the more conſiderable, there are ſtill a great Number of Perſons in theſe Kingdoms ſo much deluded by his Abettors, as to think in the ſame Way. Theſe are the only Perſons who can properly be called diſaffected, and they are ſtill ſo numerous, that though this Government had not a foreign Enemy under the Sun, the Danger we are in from the Pretender, and the diſaffected Part of our own Subjects, is a Danger which every true Briton ought to fear, a Danger which every Man who has a due Regard for our preſent happy Eſtabliſhment, will certainly endeavour to provide againſt as much as he can.

'I am ſorry to ſee, Sir, that this is a Sort of Fear, which a great many amongſt us endeavour to turn into Ridicule, and for that Purpoſe they tell us, that though there are many of our Subjects diſcontented and uneaſy, there are but very few diſaffected; but I muſt beg leave to be of a different Opinion; for, I believe, moſt of the Diſcontents and Uneaſineſſes that appear among the People, proceed originally from Diſaffection. No Man of common Prudence will profeſs himſelf openly a Jacobite; by ſo doing he not only may injure his private Fortune, but he muſt render himſelf leſs able to do any effectual Service to the Cauſe he has embraced; therefore there are but very few ſuch Men in the Kingdom. Your right Jacobite, Sir, diſguiſes his true Sentiments; he roars out for Revolution Principles; he pretends to be a great Friend to Liberty, and a great Admirer of our antient Conſtitution; and under this Pretence there are Numbers who every Day endeavour to ſow Diſcontents among the People, by perſuading them that the Conſtitution is in Danger, and that they are unneceſſarily loaded with many and heavy Taxes. Theſe Men know that Diſcontent and Diſaffection are like Wit and Madneſs: They are ſeparated by thin Partitions; and therefore they hope, that if they can once render the People thoroughly diſcontented, it will be eaſy for them to render them diſaffected. Theſe are the Men we have moſt Reaſon to be afraid of: They are, I'm afraid, more numerous than moſt Gentlemen imagine, and I wiſh I could not ſay they have been lately joined, and very much aſſiſted by ſome Gentlemen, who, I am convinced, have always been, and ſtill are, very ſincere and true Friends to our preſent happy Eſtabliſhment.

'By the Acceſſion of theſe new Allies, as I may juſtly call them, the real but concealed Jacobites have ſucceeded even beyond their own Expectation; and therefore I am not at all aſhamed to ſay I am in Fear of the Pretender: It is a

Danger

Danger I ſhall never be aſhamed to ſay I am afraid of; becauſe it is a Danger we ſhall always be more or leſs expoſed to; and, I believe, the leſs Number of regular Forces we keep up, the more we ſhall always be expoſed to this Danger. Yet I would not have Gentlemen to conclude from hence, that I ſhall always be for keeping up the ſame Number of regular Forces we have at preſent: The Number of Jacobites will, I hope, be daily decreaſing: Thoſe who have been bred up in ſuch Principles, and are therefore governed by the Prejudice of Education, will die away by Degrees, and ſome of them may perhaps, by the Force of their own Underſtanding, diſcover their Error, and change their Principles. This, Sir, we have the ſtrongeſt Reaſon for hoping, and the more, becauſe I have the Satisfaction to find, that few of the riſing Generation are in the leaſt tainted with ſuch erroneous and dangerous Principles. In a ſhort Time therefore, I believe, we may with Safety give the People a little Eaſe, with reſpect to the annual publick Expence, by reducing a Part of our Army; but to make any Reduction at preſent, would, in my Opinion, be the Height of Madneſs. That which is now called Diſcontent, would then appear to be Diſaffection; for I ſhould expect to hear of the Pretender's Standard's being ſoon after ſet up in ſeveral Parts of the Iſland, perhaps in every one of the three Kingdoms.

'This, I ſay, Sir, would be the Conſequence I ſhould expect from our making any Reduction, while there is ſuch a numerous Party of Diſaffected amongſt us; and though our Neighbours ſeem all to be our good Friends at preſent, tho' no one of them ſeems to have any immediate Deſign of diſturbing the Tranquility we now enjoy; yet it is well known, that there is no Method by which Friendſhip betwixt two Nations is kept up ſo ſurely, as by each being in a Condition to do herſelf Juſtice, if the other ſhall inſult her. Beſides, Sir, were our Forces reduced, who can ſay that we may not have ſome Diſturbances at home; and then it is natural for rival Nations to foment the Diviſions, and aſſiſt the Malecontents of one another. If there were no diſaffected Party amongſt us, or if that Party were inconſiderable, no foreign Power would dare to invade us; becauſe ſuch a Number of Tranſport Ships as is neceſſary for invading us with a great Army, could not be provided without our being adviſed of the Deſign; in which Caſe we could render their Deſign abortive by the Superiority of our Fleet; and to invade us ſuddenly with a ſmall Number of Forces, could do us little or no Miſchief, nor could it do our Enemies any Service. It would be like rouzing a Lion to Revenge by the Prick of a Needle. But whilſt there is ſuch a conſiderable diſaffected Party amongſt us, no-

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thing can ſecure us effectually againſt ſmall and ſudden Invaſions, but a ſufficient Number of regular Forces ready to march at an Hour's Warning. Five or ſix thouſand Men may be embarked in ſuch a ſmall Number of Ships, and ſo ſpeedily, that it is impoſſible to guard againſt it by Means of our Fleet. Such a Number may be landed in ſome Part of the Iſland, before we can hear of their Embarkation: And if ſuch a Number were landed, with the Pretender at their Head, there is no Queſtion but that they would meet with many, eſpecially the meaner Sort, to join them. In ſuch a Caſe, we could not march our whole Army againſt thoſe Invaders and their Aſſiſtants; becauſe, if we ſhould draw all our regular Forces away from the other Parts of the Kingdom, the Diſaffected would riſe in every County ſo left deſtitute of regular Troops; and the Rebels being thus in Poſſeſſion of many Parts of our Sea Coaſts, would be continually receiving Supplies, by ſingle Ships, from thoſe who had at firſt invaded us.

'Thus, Sir, a Civil War, at leaſt, would be entailed upon us, and might continue for ſeveral Years. The Government might probably, by good Luck and good Management, get the better at laſt; but it is much better not to put it upon that Iſſue; for it would not be without Danger, and putting the Nation to a much greater Expence, than it could be put to by keeping up a ſmall Number of additional Troops for many Years, I may ſay for many Ages. Againſt this Danger there is no poſſible Way of guarding abſolutely, but by keeping up ſuch a Number of regular Troops, as that we may ſpare to ſend ſix or ſeven thouſand of them againſt any ſmall and ſudden Invaſion that can be made upon us, and yet leave in every other Part of the Kingdom, eſpecially the moſt diſaffected, a Number ſufficient for preventing the Deſigns of thoſe who want only an Opportunity for riſing in Arms againſt the Government: And for this Purpoſe, conſidering the Number of the Diſaffected we have ſtill the Misfortune to have amongſt us, I muſt think 18,000 is the ſmalleſt Number we can in common Prudence keep up; for we muſt always keep 5 or 6,000 about our Capital, otherwiſe our Government may be in Danger of loſing even that, and with that all its Treaſure, and thereby our Fleet itſelf may be turned againſt us; I am ſure 5 or 6,000 more is the ſmalleſt Number that can be thought neceſſary for being diſperſed in the ſeveral Parts of the Kingdom, in order to keep the Diſaffection in Obedience.

'This I ſay, Sir, is the ſmalleſt Number, we can in common Prudence propoſe to keep up, as long as there is ſuch a conſiderable diſaffected Party amongſt us; but when that Party is intirely evaniſhed, as I hope it will be in a few Years, we ſhall then have no Occaſion for any more than are neceſſary

neceſſary in any Part of the Kingdom, for keeping the Diſaffected in Awe; we ſhall have no Occaſion for any more than are neceſſary for guarding our Capital, and for aſſiſting the Civil Magiſtrate in putting the Laws in Execution againſt Smugglers and other Criminals; for both which Purpoſes 12,000 may, I believe, be found fully ſufficient.

'I know, Sir, it may be ſaid, that as long as his Majeſty poſſeſſes the Affections of the Generality of the People, which I hope he always will, we may truſt to our Militia, for defending us againſt any ſmall and ſudden Invaſion, and likewiſe for defending us againſt any Inſurrection, as well as for enabling the Civil Magiſtrate to put the Laws in Execution againſt all Sorts of Criminals. For my Part, I can freely declare, that I wiſh, as much as any Man can do, that we could put ſo much Truſt in our Militia, as to have no Occaſion for regular Troops; and with regard to defending us againſt foreign Invaſions, I believe we might put our Truſt in our Militia, if our foreign Neighbours had nothing but Militia to bring againſt us; for our Men are naturally brave as any of their Neighbours; they always ſhewed themſelves ſo, when neither of us had any thing elſe but Militia to truſt to. But now, that our Neighbours have large Bodies of regular well-diſciplined Troops, it would be Madneſs in us to put our whole Truſt in our Militia; for by Experience, in all Countries, we find it is impoſſible to make Militia any thing near equal to regular Troops. We have an Inſtance, Sir, of this in the late War betwixt Poland and Muſcovy. In Poland the Militia were formerly, and I believe are ſtill, as good a Militia as any in the World. Whilſt the Muſcovites brought nothing but Militia againſt them, we find the Poliſh Troops were always much ſuperier to the Muſcovites, ſo much, that in former Times, we find a ſmall Body of the former have put to Rout great Armies of the latter; but the Muſcovites have now fallen into the Way of keeping up a great Army of regular well-diſciplined Troops, and late Experience has ſhewn us how much inferior the Poliſh Militia is to the Muſcovite regular Troops; for in the late War which happened upon the Election of this preſent King of Poland, the Poliſh Militia could never once make any tolerable Stand againſt thoſe regular Troops, that were ſent from Muſcovy to ſupport the preſent King of Poland's Election. In all the other Countries of Europe we find it is the ſame; and in this Country, I am convinced, we ſhould find it to our Coſt, if we had nothing but Militia to ſend againſt any Body of regular Troops, that might chance, by eſcaping our Fleet at Sea, to land in this Iſland; for which Reaſon, as long as our Neighbours keep up ſuch large Bodies of regular Troops,

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I ſhall always be againſt truſting intirely to our Militia, for our Defence againſt foreign Invaſions.

'Even as to defending us againſt Inſurrections, and enabling the Civil Magiſtrate to execute the Laws againſt Criminals, I do not know, Sir, if it would be proper to truſt to our Militia. During the late Rebellion we ſaw how unſerviceable, how backward they were. I hope it will not be pretended that that Inſurrection was general, or that it was favoured by any great Part of the People; and yet that ſmall Number of Men, which were gathered together from one Corner of the Iſland only, would, I am afraid, have made themſelves Maſters of the Whole, if we had then had nothing but Militia to ſend againſt them. Then as to enabling the Civil Magiſtrate to execute the Laws againſt Criminals, I am ſure there never was a Time when there was leſs Reaſon than there is at preſent, to ſay our Militia is ſufficient for this Purpoſe. In moſt of our maritime Counties, I do not know but that the Militia would protect inſtead of ſuppreſſing the Smugglers; in ſome Counties the Militia would, I fear, deſtroy the Turnpikes, inſtead of aſſiſting to apprehend thoſe, who do in a riotous Manner deſtroy them; and in every County, I am convinced, the Militia would protect the illegal Retailers of ſpirituous Liquors, inſtead of protecting thoſe who ſerve the Publick by informing againſt them.

'From theſe Conſiderations, Sir, I am convinced, a Standing Army is abſolutely neceſſary, at leaſt at preſent, for protecting us againſt foreign Invaſions, and domeſtick Inſurrections, and for enabling the civil Magiſtrate to execute thoſe Laws, which have been thought highly neceſſary by all the Branches of our Legiſlature; and for theſe Ends I cannot think, that a leſs numerous Standing Army than we now have, could be ſufficient; at leaſt I cannot think ſo, as long as we have ſo formidable a diſaffected Party amongſt us. A Standing Army, or ſuch an one as we have at preſent, may perhaps be an Evil; I ſhall even grant it is an Evil, becauſe it muſt always be expenſive to the People; but it is an Evil which we ought to ſubmit to, for the Sake of avoiding a greater: And as I am of Opinion, and have, I think, clearly ſhewn, that a Standing Army, conſtituted as our preſent is, and not more numerous, cannot be in the leaſt dangerous to our Conſtitution or Liberties; therefore I muſt think, we ought the more willingly to ſubmit to it.'

An Army in Time of Peace thought by ſome Members conſiſtent with Whig Principles.

Some Members, who were for the Motion, then endeavoured to ſhew, that an Army in Time of Peace was not at all inconſiſtent with the Whig Principles; and that the preſent Diſpoſition of the Nation abſolutely required that ſuch an Army ſhould be kept up. That it could be looked upon

as

as no Violation of the Conſtitution, ſince it was for the Good of the Whole. This was endeavoured to be proved by ſome Inſtances from the Roman Hiſtory. Then Sir John Hynd Cotton ſpoke to the following Purpoſe.

Anno 11 Geo. II. 1737-8.

The Roman Hiſtory

Sir,

Sir John Hynd Cotton.

'I do own it gives me a good deal of Surpriſe, to hear Gentlemen who act upon Revolution Principles talk ſo utterly inconſiſtent with what was the Language of the Whigs in former Times. Sir, I know not what Whigs the honourable Gentleman has been acquainted with, but I have had the Honour and Happineſs to be intimate with many Gentlemen of that Denomination: I likewiſe, Sir, have read the Writings of many Authors who have eſpouſed theſe Principles: I have ſat in this Houſe during ſome of the moſt material Debates that have happened betwixt them and the Tories; and, Sir, I can declare from my own Experience, that I never knew one who acted on true Whig Principles, vote for a Standing Army in Time of Peace. What the Principles of the Whigs in former Days were, Sir, I can only learn from Reading or Information; but, Sir, I have heard of Whigs who were againſt all unlimited Votes of Credit: I have heard of Whigs who looked upon open Corruption as the greateſt Curſe that could befal any Nation: I have heard of Whigs who eſteemed the Liberty of the Preſs to be the moſt valuable Privilege of a free People, and triennial Parliaments the greateſt Bulwark of their Liberties; and, Sir, I have heard of a Whig Adminiſtration who have reſented Injuries done to the Trade of the Nation, and who have revenged Inſults offered to the Britiſh Flag. Theſe, Sir, are the Principles, if I am rightly informed, that once characteriſed the true Whigs. Let Gentlemen apply theſe Characters to their preſent Conduct, and then, laying their Hands on their Hearts, let them ask of themſelves, If they are Whigs? The honourable Gentleman who ſpoke laſt, asked, with an Air of Triumph, by what Means a parliamentary Standing Army was eſtabliſhed under King William: He is poſitive that it could only be by Means of the Whig Intereſt. No, Sir, it was not; it was by Means of the Court Intereſt, which was ſupported by Men, who were no longer Whigs than during the Time they were out of Poſt, and who, after they got into Power, knew no other Principles but thoſe which advanced the Intereſt of the Crown, and ſecured their own Employments. To theſe Gentlemen it was owing, Sir, that the ridiculous Diſtinction, without any Difference, betwixt two Kinds of Standing Armies, was broached: They told us, that an Army kept up from Year to Year by Conſent of the Parliament was a quite different Kind of an Army from one kept up without Conſent of the Parliament. Really, Sir, for my own Part, I think that one Army may be as dangerous

Anno 11. Geo. II. 1737-38.

gerous as the other, becauſe the one hath as much Power as the other; and though Power does not give Right, yet it may command it; for whoever has a Power to ſeize on my Right, he is, in ſome Meaſure, my Maſter. So that though there may be a Difference, Sir, as to the Manner of their being paid, raiſed, or diſbanded, yet there is no Difference as to their Power, if ever they ſhould take it into their Heads to preſcribe, inſtead of receiving Laws.

'The ſame hon. Gentleman was pleaſed to mention the Behaviour of the Army under the late K. James, as an Inſtance how ſafe our Liberties are when they can only be deſtroyed by an Army. But give me leave to ſay, Sir, that it was not the arbitrary Meaſures of that Prince which ſo diſguſted his Army, but the fooliſh and barefaced Means which he uſed to introduce a Religion they deteſted. The juſt Balance, Sir, betwixt the Prerogative of the Crown and the Privileges of the Subject, is what Soldiers never inquire into. The former may make a thouſand Encroachments upon the latter, before any Soldier ſhall take notice of it: For, Sir, I believe no Soldier ever yet told a Prince who maintained and paid him, "Indeed, Sir, you are too powerful, and too great, and "therefore I will ſerve you no longer." But Religion, Sir, is a Point every Man makes himſelf a Judge of; and it is ſafer for a Prince to make the higheſt Encroachment upon Liberty, than to make the leaſt upon Religion. This, I am afraid, Sir, was the true Reaſon why the greateſt Part of King James's Army joined King William at the Revolution. Yet, Sir, as an excellent Author of thoſe Days obſerves, "Though the late King James had the Nobility, Gentry, "Biſhops, People, and his own Army, againſt him, and "we had a very wiſe and courageous Prince, nearly related "to our Crown, for our Protector, yet we account this Re-"volution next to a Miracle." And I hope, Sir, Things will never come to that Paſs with us, when nothing but a Miracle can deliver us.

'The honourable Gentleman laid down a Maxim, the Truth of which I am perſuaded no Gentleman in this Houſe will diſpute, That the Safety of the People was the firſt Law. He thence ſeemed to conclude, that all the ſubordinate Laws of the Conſtitution muſt give way wherever the Safety of the People is concerned. But in my Opinion, Sir, the Safety of a People is beſt conſulted by a ſteady Adherence to that Conſtitution, under which they become great and powerful. No Error in Government, Sir, is ſo dangerous, or can in the Event prove ſo fatal, as a Deviation from the Conſtitution: Nor can the Safety of the People be conſulted when that is infringed. When the Romans had recourſe to a Dictator, or the Dutch to a Stadtholder, they did nothing that

that was inconſiſtent with their Conſtitution: for both their People formerly lived under monarchical Governments, and when that Government was aboliſhed, they never precluded themſelves from ſubmitting to a temporary Exercife of a Species of that Government, wherever their common Safety, or the Exigencies of their State, rendered it indiſpenſably neceſſary. But, Sir, the Roman Hiſtory affords us many Inſtances of their Senate's unanimouſly rejecting the moſt advantageous Offers, even when their State was at the Brink of Ruin, becauſe they could not be accepted without violating their Conſtitution. That wiſe People was fully ſenſible, that under whatever Diſadvantages they might lie in the mean Time, they would be fully repaired by a rigid Adherence to thoſe Principles that form'd the Baſis of their Government, and which, by making them virtuous, had made them powerful. I agree with the honourable Gentleman, that the Subverſion of their Liberties was owing to the Degeneracy of their Morals: But, Sir, the firſt Effects of that Degeneracy broke out in the open Attempts which their Governors made to alter their Conſtitution; and one Alteration brought on another, till the Whole was diſſolved. So that, tho' *the Safety of the People is the firſt Law*, yet, that Safety never can be promoted, if the Meaſures purſued for promoting it are in the leaſt inconſiſtent with the Conſtitution of the Country.

'I have heard it ſaid, Sir, that the Liberties of this Nation can never be deſtroy'd by ſo inconſiderable a Number of Forces as 18,000. But, Sir, I muſt beg Leave to be of a different Opinion. We have a late Inſtance, when in this Metropolis the Populace was over-aw'd by leſs than the ſixth Part of that Number, ſo as quietly to ſubmit to a Law of as unpopular a Nature as ever paſs'd in this Houſe; I mean the Law relating to ſpirituous Liquors. Now, Sir, tho' I allow that this was a good Law, and that the Government was in the Right to enforce the Execution of it; yet an arbitrary Law might have been forced upon the People with as much Eaſe, if back'd with the ſame Number of Forces. And, Sir, if ſo ſmall a Number were ſufficient to over-awe the People at ſo diſagreeable a Juncture as that was, what may not the whole Body of our Army be able to effect, when united under the Direction of a General, either devoted to the Will of a Court, or following the Dictates of his own Ambition? Beſides, Sir, tho' we ſhould ſuppoſe, what is very improbable, that 18,000 Men are not ſufficient to give Laws to the Reſt of the Nation, yet the Court can command a conſiderable Reinforcement out of Ireland. That Kingdom, Sir, always maintains 12,000 Men, tho' 4000 are ſufficient for all the Purpoſes they are kept up for there.

Now

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Now, Sir, the ſupernumerary Body of 8000 can, upon any Pinch, be brought over hither, and added to the 18,000 now on Foot. Thus, Sir, the Court can at any Time form a Body of 26,000 Men, while a total Diſuſe of military Exerciſe has rendered our People utterly uncapable to make the leaſt Oppoſition in Caſe theſe 26,000 Men were employed by the Court to wicked Purpoſes. This, Sir, muſt preſent but a very melancholy Proſpect to every Lover of his Country, were he not perſuaded of his Majeſty's Regard for the Laws, and his Tenderneſs for the Rights of his Subjects. I wiſh, Sir, his Miniſters were as tender how they load the Nation with any unneceſſary Expence. I ſay this, Sir, becauſe I hear there is a Deſign of adding a Regiment, raiſed ſince our laſt Seſſions, to the Forces in our American Settlements, which Regiment will coſt the Nation at leaſt fifteen thouſand Pounds, including the Expence of their Artillery, and other incidental Charges. Sir, I am not at all againſt our ſending ſome additional Troops to that Country, and eſpecially to Georgia; nay, conſidering how far the Honour, if not the Intereſt of our Nation, is concerned in ſupporting that Settlement, I think we have been too dilatory in ſending ſome Reinforcement thither. But, Sir, I am of Opinion, there was no Occaſion to have raiſed a Regiment for that Purpoſe, when we have ſo many old ones that would have ſerved the Purpoſe as well. Had one of the Regiments on the Britiſh Eſtabliſhment been ſent thither; nay, had half a Dozen of them, for I am ſure we can ſpare them, been ſent thither, we muſt have reaped two Advantages; firſt, we ſhould have been eaſed of ſo much Expence, becauſe we can maintain them cheaper there than we can here: In the ſecond Place, there they can anſwer the Ends of the Nation, here they can anſwer only thoſe of the Miniſtry. But, Sir, in what I have ſaid on this Head, I am far from reflecting on any Meaſure that might have been taken by the Advice of the honourable Gentleman whom we may juſtly call the Father of that Colony. I am ſo much perſuaded of his Integrity and Ability, that I think we ought to be as willing to ſupport him, as he has been generous in ſerving us. But I dare ſay the honourable Gentleman himſelf is ſenſible, that the leſs the Expence is which his Endeavours for the publick Good ſhall coſt his Country, the greater will be his own Honour.

'Having thus given my Reaſons, Sir, why I think the propoſed Reduction extremely proper at this Time, and why I think it extremely improper for us to load the Nation with any additional Expence, I ſhall conclude with giving my Vote for the Motion.'

To

To the latter Part of this Speech it was anſwered by John Selwyn, Eſq; and others; 'That the Money laid out upon Georgia was the beſt employed of any Money that ever the Government laid out; becauſe, in a ſhort Time, that Colony would be able to produce as much raw Silk as will ſave the Nation upwards of three hundred thouſand Pounds, which is now yearly ſent out of Britain to Italy and other Countries, for that Commodity: That all the Saving wou'd be but two hundred ſixteen thouſand Pounds, which was but inconſiderable when compar'd to the Benefit of keeping the Forces up.'

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John Selwyn, Eſq;

This was anſwered by George Heathcote, Eſq; to the following Purpoſe:

Sir,

'I own that till now I have not approved our laying out ſo much Money as we have done on the Settlement of Georgia, becauſe I was of Opinion, that if the Hands we have ſent thither had been duly employed in Agriculture and Manufactures here, they might have been more uſeful to their Native Country. But the honourable Gentleman who ſpoke laſt has entirely removed my Scruples; for if what he ſays be Truth, which I am far from diſputing, it is like to prove the moſt beneficial Colony that ever was ſent from Britain, both becauſe it will ſave a great deal of Money to the Nation, and as it will produce a large Revenue to the Crown. For this Reaſon, Sir, I think that the Money required for maintaining that Settlement, and paying the Forces ſent thither, may be raiſed without our laying any additional Burthen on the People of Britain. The Method I propoſe, Sir, for this End, is, that as the Fund is ſo very good, and the Security upon it ſo unqueſtionable, the Government ſhould borrow as much Money upon it as may defray all the neceſſary Expences attending the Settlement, that now fall upon the Subjects of Britain. This, Sir, I take to be a very fair and equitable Propoſal; and I am perſuaded that the Wiſdom and Frugality of the Gentlemen who have the Honour to be in the Adminiſtration will induce them to conſider of it.

Alderman Heathcote;

'As to the other Part of my worthy Friend's Speech, I own I cannot ſo eaſily digeſt it. The Reduction that is propoſed, ſaid he, will ſave only two hundred ſixteen thouſand Pounds the to Nation. Sir, two hundred ſixteen thouſand Pounds is Money; and had we, for twenty Years paſt, ſaved that ſame Sum by the like Reduction, upwards of ſix Millions of the National Debt had been paid off, and a great many Inconveniencies kept from the Subjects. Beſides, had this Reduction taken Place twenty Years ago, and continued ever ſince, I am convinced, Sir, that the only Pre-

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tence for a Standing Army in this Nation, I mean what is advanced from the Diſcontent of the People, had been entirely taken away, in that two of the principal Cauſes of the Diſcontent had been removed, the Grievance from the Severity of our Taxes, and the Averſion of the Nation to ſo numerous a Standing Army in Time of Peace: So that it is more than probable, that by this Time we ſhould have had no Occaſion at all for any Standing Forces. However, Sir, better late than never. If we begin now to reduce them, the Nation may twenty Years hence feel the Benefit of a total Reduction. Whereas, if we keep them on Foot from Year to Year, or inſtead of reducing, increaſe them, the Nation twenty Years hence may be ſaddled with 18,000 more, and publick Diſcontent increaſing with the publick Debt, may run ſo high, as to render it imprudent for the Government, tho' it were willing, ever to make any Reduction. Wherefore, Sir, I am for beginning in Time, and then for making amends, as far as we can, for any paſt Overſights, by agreeing to the propoſed Reduction.'

Sir William Younge * ſpoke next in Subſtance as follows:

Sir,

Sir William Younge.

'Ever ſince I had the Honour to ſit in this Houſe, we have had every Seſſion a regular Return of a Debate on this Subject. Sometimes I have heard very ſpecious Arguments for a Reduction urged by the Gentlemen in the Oppoſition; but I always ſaw before next Seſſions too good Proofs that we acted moſt wiſely when we agreed to the keeping up the greateſt Number of Troops; nor do I know any Part of his late Majeſty's Conduct ſo juſtly liable to Cenſure, as the Reduction of his Forces, to which he was induced by a ſincere, but miſtaken Tenderneſs for his People; nor did I ever know a Reduction which the Nation in a little Time had not Reaſon to repent of. I own, Sir, that in ſome Years the Reaſons for keeping them up were ſtronger than in others, but I cannot remember a Year when the Reaſons for keeping them up were ſo ſtrong as they are at preſent. The Inſolence of the People in all Parts of the Kingdom is riſen to a Height that makes it unſafe for the Civil Magiſtrate to do his Duty without the Aſſiſtance of the military Power. In the Country where I was during ſome Part of our late Receſs, the Miners, the Labourers, and other Manufacturers, aſſembled in a riotous and tumultuous Manner, to the Number of near five thouſand, upon no other Pretence but the Exportation of ſome Grain; which Exportation really did a Service to the Country, and never could hurt them. They proceeded to the moſt violent Outrages, which rendered it impoſſible for the civil Magiſtrate

* *Secretary at War.*

to

to quell them; for they were ſo favoured by the Country in general, that it was out of his Power to raiſe a Poſſe ſtrong enough for that Purpoſe. Now, Sir, I would gladly know of any Gentleman what the Conſequence of this Tumult muſt have been, had the Government not been able to have commanded a Body of regular Force ſtrong enough to have ſuppreſs'd them. The gentle Arts of Perſuaſion would never have ſucceeded, for they were too mad to liſten to any: The Senſe of their Duty could never have reclaimed them, for they ſeemed to make a Merit of being quite void of that. A regular Body of Forces, therefore, acting by the Direction of the Civil Magiſtrate, was the only proper Means of reducing them. In this Metropolis, Sir, not a Month ago, a vigilant and an active Magiſtrate was inſulted in his own Houſe for doing his Duty, by a tumultuous Mob of the ſame Kind, who threatened to pull his Houſe in Pieces about his Ears, and, as I am informed, actually attempted, and probably would have effected it, had it not been for a Detachment of the regular Troops who were ſent to protect him. Theſe Tumults, Sir, could be owing to no Oppreſſion, nor to any juſt Ground of Offence that had been given them by that Magiſtrate. But the Truth is, that the more active, the more honeſt, and the more vigilant a Magiſtrate is, the more he is inſulted, hated, and abuſed by the common People. Theſe Mobs, Sir, it is true, ſeldom have any other View than to gratify their immediate Reſentment. But who knows, Sir, but that if they come to any Height, thoſe who have more diſtant and more dangerous Views, may herd with them, and make them the Tools of their Ambition or Revenge? This, Sir, would very probably be the Caſe, were it not for our regular Forces; and if this were the Caſe, we muſt ſoon ſee a Rebellion formed, and the Nation become a Scene of Blood and Confuſion. Let any Gentleman who loves his Country reflect upon the Horrors which ſuch an Idea preſents, and let him, if he can, vote for a Reduction, which by weakening the Hands of the Government may leave a Poſſibility of any ſuch Event. An Exemption from the Miſeries of a Civil War is cheaply purchaſed by the heavieſt Taxes. The People of Britain at preſent pay no heavier Taxes, than the Extenſion of their Commerce, and the Benefits they enjoy from the Government, (which leaves them more Liberty than any People under the Sun enjoy) enable them to ſupport without Difficulty; and, though their Taxes were ſtill heavier, a little more Induſtry and Frugality in the meaner Sort of our People would eaſily ſupply them: But, Sir, the Wounds of a civil War may bleed for many Ages; by ruining our Trade it muſt render us deſpicable to our Neighbours, and probably we muſt become

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come ſubject either to a foreign or a domeſtick Tyranny. I believe no Gentleman, whether he is a Placeman or not, would forgive himſelf, if he did not concur in every Meaſure that could avert ſuch an Event. Sir, if ſuch Meaſures are purſued, they are right Meaſures, whether they are purſued by Place-Men or others: And I hope all Place-Men will be ſo true to one another, as to unite in giving their Negative to the Reduction on this Occaſion."

When he ſat down, Sir John Barnard ſpoke in Subſtance as follows:

Sir,

Sir John Barnard.

'It has always been my Opinion, that the readieſt Way to bring on the Miſeries which the honourable Gentleman, who ſpoke laſt, has ſo pathetically deſcribed, is to maintain a numerous Standing Army in Time of Peace; and that the beſt, if not the only Method of preventing them, is, either conſiderably to reduce, or intirely to disband it. So that, Sir, the Gentleman has very artfully foreſtalled the Debate, by employing in favour of a Standing Army, one of the ſtrongeſt Arguments againſt it. I am perfectly at a Loſs to know why the Gentlemen who are againſt the Reduction, have let ſo much of our Time be ſpent, before they began the Debate on their Side; for I am ſure they have not yet advanced a Shadow of an Argument in favour of the Reſolution. Therefore, Sir, I either expect to hear ſome Reaſons why we ſhould agree to this Reſolution, from the Gentlemen who ſhall ſpeak in the ſucceeding Part of the Debate, or I muſt be obliged to think that a Standing Army is intended to be made a Part of our Conſtitution, and that our reſolving ourſelves into a Committee, to conſider of the proper Number to be kept up, is mere Form. Nay, Sir, it is not impoſſible, but that, ſome Years hence, we may ſee a Bill brought into this Houſe for that End. This, Sir, will ſave Gentlemen a great deal of Trouble, in eluding once a Year a Set of ill-natured perplexing Objections, raiſed by Gentlemen ſtubbornly and perverſely attached to the Good of their Country, and the Preſervation of the Conſtitution. But, Sir, if ſuch a Step ſhould be taken, Gentlemen both of Reputation and Eſtate will not be wanting to oppoſe ſuch a Subverſion of our Liberties, with their Intereſt, with their Fortunes, and, if their Country requires it, with their Swords. Since the Beginning of this Debate, we have had a very broad Intimation of a Deſign that leans very much that Way. An honourable Gentleman under the Gallery told us, If you continue the Liberty of the Preſs, you ought to continue your Army. Sir, I look upon the Liberty of the Preſs to be the moſt valuable Part of the Liberty of the Subject; I look upon the Army, as what may one Day be the Deſtruction of both;

both; and to give no better Reaſon for ſupporting a Standing Army, but that it may deſtroy the Liberty of the Preſs, is to ſay, in other Words, That a Reſolution is now forming to put an End to the Liberties of Great Britain. Anno 11 Geo. I. c. 17. §. 28.

'The honourable Gentleman who ſpoke laſt, told us, that we were under a Neceſſity of keeping up our Army, that it may enforce the Laws, which the Weakneſs of our Civil Magiſtrates cannot do. Sir, I know not what Authority the honourable Gentleman has, for throwing out ſuch a Reflection upon the Civil Magiſtrates in general. I have the Honour to be a Civil Magiſtrate, Sir, in the greateſt City in Britain, perhaps in Europe; and I dare anſwer for myſelf, and for thoſe Gentlemen whom I have had the Happineſs to be aſſociated with in the Civil Magiſtracy, that we have no Occaſion for any Aſſiſtance of the military Force for putting the Laws in Execution. And as I have Opportunities of knowing ſomewhat of the Country of England in general, I can venture to ſay, that a Conſtable at the Head of his Poſſe, by a Warrant from a Juſtice of the Peace who is beloved, can do more than a Colonel at the Head of his Regiment. I ſay, Sir, a Juſtice of the Peace who is beloved; for I am far from thinking that all of them are beloved; though I believe they generally are ſo, when it is known they are not influenced by any Guidance from within theſe Walls. Sir, it is the Duty, as well as the Intereſt of every Civil Magiſtrate, to endeavour to render himſelf beloved and popular in thoſe Places where he acts; and if there are any who are more hated, and conſequently leſs obeyed by the People, it muſt be owing to their own ill Conduct. Nay, Sir, I believe I could inſtance many Juſtices of the Peace, who act as ſuch, without having a Qualification. In what I have ſaid, Sir, I am far from intending that it ſhould be underſtood, as if I reflected on any particular Gentleman, who has the Honour to ſerve his Majeſty in the Commiſſion of Peace in Weſtminſter. I am willing to believe the beſt of theſe Gentlemen, and that they are far from making a Traffick of their Duty, or taking their Directions from any Man in Power. But, Sir, if there are any ſuch, though they may indeed want the Aſſiſtance of the military Power, I think it is very unſafe for us to keep up Forces that may be employed to very bad Purpoſes by ſuch Magiſtrates.'

Mr. Pulteney ſpoke to the following Purpoſe:

Sir,

'The Arguments that have been advanced againſt the preſent Motion are of ſo extraordinary a Nature, and thoſe that have been offered in favour of the Reſolution are ſo weak, that I have a better Opinion of the Judgments of the honourable Gentlemen who have advanced them, than to believe Wm. Pulteney, Eſq;

believe they [illegible] that [illegible] of any Weight, but as an Affirmative where there [illegible] of a Majority. Some Gentlemen [illegible] Appointments from the Post. [illegible] and some seem to be waiting for the [illegible] honourable Gentleman, in particular, [illegible] Employment or Place; and [illegible] them to be one of the number. O all ye Patriots in the [illegible] House, for the honour of this Gentleman, [illegible] will assist me; for I cannot say that I ever knew them [illegible] especially when they were in great [illegible] with Sir, that other Gentlemen were [illegible] assist, and Country Gentlemen would be true to the [illegible] for I think they were, though perhaps we shall not [illegible] this Question, yet we might hope at least not to lose it by [illegible] Majority, as it has [illegible] Majorities [illegible]

'It is the Misfortune, Sir, of this Nation, under our present Situation, that a general Struggle [illegible] the Power of the Man to determine the Fate of every Subject of Importance brought before this Assembly. This makes many Gentlemen [illegible] well to their Country, take every Opportunity of leaving it home, when they ought to give their Attendance in this House. Such reasons in this Manner: "My single Vote is of little or no Consequence, why "then should I be at the Pains and Expence to attend the "Parliament, since it can be of no Use to my Country?" But this is a false and a pernicious Maxim. This, Sir, gives a great Countenance to oppressive Measures, and deprives a Man of the Satisfaction of having done at least his Duty for the Service of his Country. Besides, Sir, Gentlemen ought to reflect, that if more who act for the Interest of their Country were united, and gave their Attendance in this House, they might still indeed continue the Minority; but, Sir, such a Minority as they would then form, never yet raised or [illegible] becoming the Majority. I have thought myself obliged to say thus much, because I see many Gentlemen absent on this Occasion, who, I know, wish well to their Country, and who I know would be absent on no other Account, but for the Reason I have now suggested.

'I have heard, Sir, during the Course of this Debate, great Complaints of the Depravity of the common People; and I am sensible the Complaints are not ill-founded. But, Sir, I think the Method that is proposed to reform them, instead of suppressing, will but propagate the Evil. It is as impracticable, Sir, to dragoon People into Morality, as into Religion; nor can a Standing Army make a free People quiet Subjects, any other Way than by making them humble Slaves. It has always, Sir, been the distinguishing Glory

of

of this Conſtitution, that our Kings reigned over Men, and not over Slaves: And that gave them the Power of doing as much Good as they pleaſed; though it tied up their Hands from doing any Hurt. But, Sir, our new Syſtem of Politicks has a quite different Tendency; it tends to make Slaves of Subjects, to give the King an Opportunity of doing Harm, but deprives him of the Power of doing Good. For, Sir, a Man who lies at the Mercy of another, as to his Liberty and Property, is, in effect, a Slave, though he who is his Superior ſhould not exerciſe his Power tyrannically. And a Prince, Sir, who, in order to maintain his Authority, is obliged to burden his Subjects with oppreſſive Taxes, while they already groan under a Load of Debts, has it in his Power to oppreſs his Subjects, but has it not in his Power to relieve them; becauſe no Act of Grace, which he can exert, can be a Balance for the Unpopularity that muſt attend him. So that, Sir, it is ſurpriſing that Miniſters themſelves are not more cautious how they give Occaſion for any unneceſſary Taxes upon the People, or how they conſent to the keeping up a Body of Forces, which ſo evidently tends to weaken both their Maſter's and their own real Intereſts. But, ſay Gentlemen, the Depravity is ſo great and ſo general, that no Remedy beſides that of a ſuperior Force can be applied. Sir, a Phyſician, who would cure a Diſeaſe, applies himſelf firſt to find out its Cauſes; and if the Cauſes can be found out and taken away, the Effect ceaſes of courſe.

Anno 11 Geo. II. 1737-8.

'As to what the Gentlemen who are for continuing the preſent Number of our Forces have ſo much inſiſted on, I mean the Spirit of Oppoſition to the Civil Magiſtracy on ſome Occaſions, it has, I am afraid, been too much owing to the Conduct of the Magiſtrates; and their Oppoſition to ſome late Laws is to be imputed, I believe, to the Nature of the Laws themſelves. It is impoſſible, Sir, for a Legiſlature to inforce immediate Obedience to an unuſual Law, without very great Reluctance from the People, before they are convinced that this Law is really for their Good. And, Sir, give me leave to ſay, that it will take a good deal of Art to perſwade the People of the Expediency of ſome Laws lately paſſed. Nay, Sir, I ſhould not myſelf be eaſily convinced, that ſome late Laws might not have produced all the Good for which they were intended, and yet have appeared in a Shape more agreeable to the Body of our People. Are Gentlemen to ſuppoſe that a People will ſubmit to Laws which they look upon oppreſſive and inconſiſtent? In this Part of the Country, Sir, they are obliged to ſubmit to Laws; for Inſtance, the late Act againſt Spirituous Liquors, which pretends to pluck up an old but beloved Diſeaſe by the Roots, while the Manner of detecting Delinquents againſt this Law

Anno 17 Geo. II. 1743-4.

Law gives Riſe to numberleſs Villanies amongſt the meaner Sort: For it is, Sir, in the Power of any Rogue, as the Law now ſtands, if he can digeſt Perjury, to ruin an honeſt Man and his whole Family. Can therefore Gentlemen be ſurpriſed that a Law, ſo diſagreeable in its own Nature, to the People, the meaner Sort, at leaſt, for I have never heard any body elſe charged with oppoſing it, ſhould meet with Oppoſition from them? Yet, Sir, this is a Law of which we were ſo fond, that we actually bought it. Yes, Sir! we bought it of the Government at the Rate of 70,000 Pounds and upwards.

'In another Part of the Country, Sir, in Scotland, the Clergy is obliged, by a late* Act for that Purpoſe, to read more than once from their Pulpits a Proclamation, or a Declaration, I do not know how you call it. Why, Sir, I am told the People in that Country laugh at this Act; and if the Government were ſtrictly to enforce it, they would hazard another Rebellion. So that, Sir, it is our Duty, before we paſs any Act that affects the Body of a People, always to conſider whether the Advantages accruing from ſuch an Act are ſufficient to counterbalance the Unpopularity of our paſſing that Act, and the Odium and Expences which the Government muſt incur by putting it in Execution. When I ſay this, Sir, I hope no Gentleman will infer that I would court Popularity at the Expence of any Meaſure that is for the Good of the People. But I know, that ſome Governments have found the Secret of reconciling the People's real Intereſts to their Inclinations, and believe that in all good Governments the moſt beneficial Laws are generally the moſt popular.

'But, beſides Blunders which we may have committed in a more publick Capacity, I am afraid, Sir, that in other Reſpects we do not a little contribute to ſpread this Spirit of Diſcontent. When a People, Sir, ſees their Superiors abandon the Principles that make them honeſt Men, they preſume, not unreaſonably, that they have loſt every Quality that forms an honeſt Repreſentative. When they ſee Luxury and Extravagance ſupported upon the Emoluments of publick Poſts, the meaneſt Subject in the Nation, if he knows any Thing, knows that he helps to pay for theſe Luxuries, and that they are maintained on the Spoils of his Country. When Sir, the People ſee Gentlemen waſting their private Eſtates in idle Purſuits, and unprofitable Vices; they know that theſe Gentlemen have no other Way to repair the ſhattered Remains of their Fortunes, but by preying upon the Publick.

* *This alludes to the Act againſt thoſe who were concerned in hanging Porteous: See Vol. IV. the Debates on that Affair.*

When

When they ſee Corruption and Venality openly avowed, even tho' ſome of them taſte it, they know, or at leaſt they ſuſpect, that an Adminiſtration muſt be weak when it requires ſuch Supports.

'Give me Leave to borrow an Expreſſion, and to ſay, *that it is ours to mend the Hearts of the People.* It is our Duty, Sir, by each of us living within the Bounds of our own private Fortunes, to preſerve our Independency upon any Man or any Miniſter whatever; and thus ſhall we be enabled to preſerve the Independency of the Legiſlature. Then ſhall we ſee the publick Debts decreaſe, the Diſſatisfaction of the People ſubſide, and the Diſtinctions of Parties aboliſhed. We ſhall then have no Need of a Standing Army; becauſe then, Sir, there will be no Occaſion to rule by a Party; for that Party amongſt us, which either by its Principles or Practices oppoſes theſe good Ends, becomes a Faction, let its Majority be ever ſo great. I have heard, Sir, many invidious Inſinuations and Reflections thrown out againſt a certain Oppoſition that I could name, and I hear a great Talk without Doors about * a Reconciliation. Sir, I know not any Reconciliations that I could wiſh except one: Others I never deſire to ſee, unleſs they are founded on the Liberties of the People; and, Sir, I think an Oppoſition upon virtuous Principles the only Security that our Country can hope for, and I here openly profeſs my Determination always to join in ſuch an Oppoſition.

'Thoſe Gentlemen who are for our agreeing to this Reſolution, in my Opinion, make but a very indifferent Compliment to his Majeſty, who has recommended Unanimity and Diſpatch to us ſo ſtrongly from the Thone; yet Sir, in the very Beginning of our Seſſion, we have here a Bone of Contention thrown amongſt us. We are, it ſeems not only to agree to the keeping up the ſame Number of Forces which we had laſt Year, but we are to add to the Charges that attend them, the Expence of raiſing a new Regiment to be ſent to our Plantations. Sir, I cannot conceive how Gentlemen ſhould ſuppoſe that if ſuch an unreaſonable Reſolution is brought in, we can act in the Manner his Majeſty has ſo wiſely recommended. I ſay, Sir, ſo wiſely recommended; becauſe, on the Unanimity of this Parliament depends the Judgment which Foreigners will form of our Strength and Reſolution in this important Criſis of our Trade. If they ſhall find Unanimity in our Reſentment at home, they will expect the ſame Unanimity in our Reſentment abroad, if it ſhall be found that any of our Neighbours have inſulted our Flag, or plundered our Merchants; it will let them ſee that

* *See Vol. 4. of the Debates, about the Prince of Wales's Settlement.*

Anno 11. Geo. II. 1737-38.

both the Nation and the Parliament are reſolv'd to behave with ſuch Duty and Zeal for their Country, as to ſtand in no Need of being over-awed by a Standing Army. And Foreigners will then deſpair of finding a Party who ſhall abet them here.

Sir Robert Walpole then roſe again, and ſpoke as follows.

Sir Robert Walpole.

Sir,

'Whatever groundleſs Inſinuations ſome Gentlemen may throw out about any Attempts that have been or are to be made upon the Liberty of Speech; one Gentleman, ſince the Opening of this Debate, has told us, *That he could wiſh that Things were to run into Confuſion; becauſe out of Confuſion may ariſe Order.* A Wiſh ſo ſhocking to the Ears of a dutiful Subject, and ſo contrary to the Dignity of this Aſſembly, that I hope never to hear the like repeated within theſe Walls. It was ſaying, in other Terms, that he wiſhed to ſee the Succeſſion of the preſent Royal Family ſet aſide, and the Nation involved in the diſmal Conſequences of civil War, rather than that we ſhould agree to a Meaſure which the Wiſdom of all Parliaments, ſince the late Revolution, has thought neceſſary for the Preſervation of our Liberty. I cannot, indeed, underſtand how Gentlemen, during the Courſe of this Debate, can reaſon as if this Reſolution was ſuch as had never been agreed to by any Parliament, and that it was a direct Infringement of our Conſtitution? This is calling in Queſtion the Honour and the Integrity not only of all the Parliaments, but of every Gentleman who has voted for this Meaſure in theſe Parliaments, for 40 Years paſt. And I am ſure my good Friend who ſpoke laſt, has very good Reaſons, known to himſelf and me, for ſupporting their Authority.

'My honourable Friend was pleaſed to inveigh very ſeverely againſt the Luxury and Vice that reigns but too generally amongſt us. I know not from what this Luxury and Vice proceed; but proceed from what it will, I am ſure it does proceed from any Example ſet by the Royal Family; for I am perſuaded that every Gentleman who hears me, is ſenſible that no Nation was ever bleſt with a Royal Family, that has given ſuch eminent Inſtances of Frugality and Temperance, as the Family that is now upon our Throne. If a People, Sir, grown wanton with Liberty and Riches ſhall degenerate into Luxury, is a Prince or his Miniſters to be blamed for that? Or if the People is tainted with Diſcontent and Diſſatisfaction, are we to endeavour to cure it by giving up the only Means of reſtraining them? Yet this, Sir, is the very Thing for which ſome Gentlemen have argued ſo ſtrenouſly ſince the Opening of this Debate. It has been allowed on all Hands, that had it not been for our Standing Forces, the

the Nation muſt have e'er this Time run into Confuſion from that Spirit of Diſſatisfaction, that has broke looſe among the People. But, ſay ſome Gentlemen, that Spirit is occaſioned from the Oppreſſion of the Government. But they have not been pleaſed to give us any Inſtance of ſuch Oppreſſion; they have given us no Inſtance of an Invaſion upon the Liberty and Property of any Subject: They have not given us one Inſtance of any Incroachment of the Military upon the Civil Power, or of one Attack that has been made by the Adminiſtration to ſubvert the Freedom of Parliament. There is nothing more common, Sir, than to raiſe a Clamour upon the Topicks of Bribery, Corruption, and Venality, and nothing more eaſy than to make the People believe that when an Adminiſtration continues long in the ſame Hands, it can only be by theſe Means. But this is a Misfortune that has attended the beſt Adminiſtrations in all Ages and in all Countries. The very Succeſs that a Miniſter meets with, is improved by his Enemies to his Prejudice. If a Majority in this Houſe concur with his Meaſures, it muſt be the Effect of Corruption. If he has the Favour of the Prince, he owes it to Flattery and miſrepreſenting the State of the Nation. Does the Kingdom under his Adminiſtration enjoy a profound Peace, an extended Commerce? This is attributed to the Miniſter's Sacrificing ſomething ſtill more valuable than theſe Advantages, in order to procure them. So that, Sir, the very Well-being of a State gives a Handle to Clamour againſt the Miniſter; whereas, in reality, his Succeſs in the Parliament may be owing to the Juſtice of his Meaſures; the Favour he is in with his Prince, to his Integrity; and the Increaſe of the National Wealth and Power, to his Vigilance and the Firmneſs of his Reſolutions. Sir, I ſhall make no particular Applicatton of what I have ſaid here; only one Thing I will be bold to affirm, that had the Clamours that have been raiſed in Great Britain theſe 18 Years paſt againſt the Adminiſtration been well founded, we muſt before this Time have been the moſt miſerable, the moſt beggarly, and the moſt abject People under the Sun. But, Sir, is there no other Vehicle by which Luxury may be introduced, beſides that of Miniſterial Corruption? Give me leave to ſay, Sir, there is; and that the Riches which a Nation may acquire by Trade, under a good Adminiſtration, is the principal and indeed the natural Source from whence the Luxury which the honourable Gentleman inveighs againſt, proceeds. Theſe Riches, Sir, induce the Trading Part of the Nation, to abandon the frugal Maxims of their Anceſtors: The Landed Intereſt, Sir, emulates the Trading, and their Wealth encreaſing in Proportion as Trade flouriſhes, they improve likewiſe in all the Luxuries of Life. Theſe

Anno 11. Geo. II. 1737-38.

Anno 11 Geo. II. 1737-8.

Luxuries, Sir, after ſome Time, create Wants; Wants produce Neceſſities; Neceſſities, Diſſatisfaction; and when they are reduc'd in their Circumſtances by their own Extravagancies, they exclaim againſt the Heavineſs of Taxes, the Decay of Trade, and the Corruption of Miniſters. A Miniſter is anſwerable, Sir, in ſome meaſure, for the Wealth of a Nation; but he is not anſwerable for the Abuſe of that Wealth. And when Gentlemen exclaim againſt the luxurious Living of a Nation, they are miſtaken if they think that thereby they hurt the Reputation of a Miniſter in the Eyes of conſiderate Men. No, Sir, they beſtow a tacit Encomium upon the Miniſter; for under a bad Adminiſtration, eſpecially if it is a long one, it is impoſſible for the Nation to ſupply theſe Luxuries, without the Nation's feeling in a very few Years the whole Ballance of Trade with their Neighbours turning againſt it: And I dare ſay, that no Gentleman in this Houſe can affirm that this is our Caſe at preſent. Thus much, Sir, I have thought fit to ſay, not in Anſwer, but by way of Supplement to what the hon. Gentleman obſerved with Regard to the general Depravity of Morals ſo viſible throughout the Kingdom.

'But were I to be asked, Sir, what Remedy is then to be applied to this general Depravity, my Anſwer would be, the Anſwer of every Gentleman who judges coolly and impartially; that nothing is more likely to gain this End, than a due Submiſſion to that Government, which enacts no Laws but by your own Conſent, and raiſes no Taxes but what your own Safety requires. This, could we effect it, Sir, (to uſe the ſame Expreſſion with the hon. Gentleman) *would be mending the Hearts of the People*, and without this, all the Methods that either the King or the Paliament can fall upon for that Purpoſe muſt be unſucceſsful. I wiſh, Sir, that all the Gentlemen in this Houſe could ſay, with a clear Conſcience, that they had no other View than this, in all their Purſuits of Popularity and Pretenſions to Patriotiſm: And I wiſh, Sir, that the Actions of Gentlemen would prove to the World, that their ſole Aim is not the Deſtruction of the Miniſter, but the Good of their Country.

'As to what the honourable Gentleman talk'd about the juſt Grounds of Diſcontent among the People; I am ſorry to hear any Gentleman in this Houſe inſinuate, that the Acts and Laws paſt by this Houſe, can give the People any juſt Ground of Diſcontent. It proceeds from another Quarter, Sir; for there is nothing more certain than that, if our People are once rendered diſcontented with the Government, they ſoon become diſaffected with the Eſtabliſhment: And, Sir, tho' I admit that a Man of Senſe may be attached to our preſent Eſtabliſhment, and yet diſſatisfied with ſome Steps of the Adminiſtration, yet it is otherwiſe with the Common People;

ple: With them Diſcontent, Diſloyalty, and Rebellion follow ſo cloſe on one another, that they are one and the ſame Thing. Had certain Gentlemen, Sir, who have lately joined in ſome Meaſures againſt the Government, ſufficiently reflected on this Truth, I am perſuaded ſuch is their Attachment to his Majeſty's Perſon and Family, that they would not have aſſiſted ſo much as they have done in promoting the Diſſatisfaction that prevails among the Common People. For, Sir, the Faction which is in the Intereſt of the Perſon who diſputes his Majeſty's Title to the Crown, always preſumes, that whoever is againſt the Adminiſtration, is againſt the Eſtabliſhment likewiſe; and nothing has more contributed to keep up the Spirit of that Party, than their induſtriouſly propagating that Doctrine. This, Sir, is the true Reaſon that they look upon the Lenity of that Government as the Effect of its Weakneſs, and that they attribute the Indulgence they meet with to our Fears. This, Sir, is the true Reaſon why they endeavour to improve to their Advantage every Accident that happens in the Nation, tho' perhaps it is very diſtant from their Purpoſe, and fell out contrary to their Hopes. This, Sir, was the Reaſon why, on the late melancholy Event that * afflicted the Nation, their Hopes revived, their Cabals were ſet on Foot, and every Tool of their Party was employed in their Conſultations how to bring about their favourite Point. There are many in our Galleries now, Sir, who know what I have ſaid to be true, and if they had the Privilege of ſpeaking here, could, if they pleaſed, convince us how improper the propoſed Reduction is, while ſuch a Spirit ſubſiſts in the Kingdom.

'Sir, I have known a Time when Gentlemen acted on true Whig Principles; and at that Time, Sir, they ſeemed to be of Opinion, that the beſt, if not the only Way to ſecure us from Popery, and arbitrary Power, was by ſecuring the preſent Eſtabliſhment of the Crown in his Majeſty's Perſon and Family. They were then of Opinion, Sir, this was beſt done by our keeping up a regular Body of Forces, and I ſhould be glad to know if the ſame Reaſons do not ſubſiſt now as did then, or if they who are the Enemies of our preſent Eſtabliſhment have been weakened by the Oppoſition of theſe Gentlemen to the Adminiſtration.'

William Pulteney, Eſq; replied to this Effect:

Sir,

'I think a Man is an honeſt Man, who votes according to what his Conſcience tells him the preſent Situation of Things requires; and an honeſt Man, Sir, if he ſees the Circumſtances which induced him to vote in Favour of a Reſolution laſt Year altered, or if he finds that he himſelf has been miſtaken in the Apprehenſion of theſe Circum- Wm. Pulteney, Eſq;

* *Alluding to the Queen's Death.*

ſtances;

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ſtances: I ſay, Sir, an honeſt Man will, in either of theſe Caſes, vote this Seſſion directly contrary to what he voted before. If ever I voted for a Standing Army, Sir, in Time of Peace, it was when my Conſcience told me that the Preſervation of our Liberties required it. But, Sir, though at that Time, perhaps, I was convinced that our keeping up a Standing Army for one Year was neceſſary; it does not follow that I act inconſiſtently, if I don't vote for a Perpetuity of that Army. Therefore, though a Gentleman has voted for every Queſtion, for every Job of the Miniſtry; though his whole Life has been but one continued Vote on their Side; yet he ought neither to be aſhamed nor afraid to oppoſe them, as ſoon as his own Judgment or the Situation of Things is altered. This is acting upon no other Principles, Sir, but thoſe of an honeſt Man, and a Lover of his Country; and, as the Diſtinction between Whigs and Tories is now in effect aboliſhed, I hope ſoon to ſee our People know no other Denominations of Party amongſt us beſides thoſe of Court and Country. The honourable Gentleman talks of the Eſtabliſhment of the Government, and of the Adminiſtration; but, Sir, I know of no Eſtabliſhment, I know of no Government, I know of no Adminiſtration that ought to be kept up, but for the Preſervation of the Liberties of the People: For it is not Twopence Matter to me, whether the Prince's Name under whom I am to be enſlaved, is Thomas, James, or Richard; I am ſure I ſhall never be enſlaved under a George.

'And here give me leave to ſay, Sir, that the Eſtabliſhment of the Crown in his Majeſty's Perſon and Family can only be ſecured by our ſecuring the Rights of the People. This, Sir, is the Charter by which his Majeſty holds his Crown; and whoever ſeparates the Intereſts of the People from thoſe of the Eſtabliſhment, muſt be either ignorant of our Conſtitution, or a Traitor equally to his Prince and his Country. For this Reaſon, Sir, to me it is evident, that if the Pretender had an Agent in his Majeſty's Councils, or in this Houſe, that Agent would employ all the Force of Tongue and Lungs, he would even out-vote a Miniſter, and out-ſpeech a Place-Man in his Zeal for this Reſolution; nor could a more effectual Way, Sir, to promote that Perſon's Intereſt be thought of, than our agreeing to bridle the Kingdom with 18,000 Men: Becauſe it is, in effect, telling all the Powers in Europe, that ſo weak is the Adminiſtration of Britain, and ſo much are they hated by the People, that they dare not venture to make one Step in the Government without their Bully-back an Army. While your Army continues, Sir, Diſcontent muſt increaſe, and the more Diſcontent increaſes, the fairer is the Pretender's Chance for ſucceeding;

ceeding; whereas, if the People were reconciled to the Government, he could not have the moſt diſtant Proſpect of Succeſs: For I dare ſay, very few in Britain at preſent wiſh him well on his own Account; and the few deluded Perſons who do incline to his Party, do it only becauſe they are ſo weak as to imagine, that the one Evil would be leſs than the other. Wherefore, Sir, as I wiſh the Crown of Britain may continue for-ever in his Majeſty's Perſon and Family, as I hope never to ſee the Pretenſions of any other Perſon ſucceed, and as I think the Reputation of the Kingdom is intereſted in the Fate of this Queſtion, I muſt agree to the propoſed Reduction.'

The next who ſpoke, was Sir William Windham.

Sir,

Sir Wm. Windham.

'I think it ſtrange, that this mighty Secret of our Fears about the Pretender, has never been diſcovered during the whole Courſe of this Debate, till the honourable Gentleman who ſpoke laſt but one diſcloſed it. I am glad, however, that it is at length diſcovered; for now Gentlemen may have a very clear State of the Caſe; which is, Whether we ought to put the Nation to the Expence of maintaining 18,000 Men, for no other Reaſon but becauſe a certain Gentleman is afraid of the Pretender? This is, I think, a clear and a true State of the Caſe. As for the honourable Gentleman's Fears, they put me in Mind of a mad Fellow, called Butler, who uſed to go about, and at Times would appear very much frightened at a certain Phantom of his own Brain, whom he called Prince Kantemir. This Phantom haunted him about from Place to Place, and nothing could drive it out of his Head. Really, Sir, I don't know what Friends the Pretender may make in the Kingdom, if we ſhall continue our Army; but if we reduce that, I dare ſay his Intereſt would exiſt no where but among a few Madmen.'

Mr. Pelham.

Sir,

Mr. Pelham.

'The Gentlemen who have ſpoke for the propoſed Reduction, have all along taken it for granted, that if our Standing Army were removed, the Cauſes of Diſcontent, which is allowed on all Hands to be very great amongſt our common People, would be removed likewiſe. But, Sir, their Opinion cannot be ſupported either by Reaſon or Experience. Reaſon tells us that a People who are diſcontented, will prove rebellious as ſoon as the Government becomes too weak to reſtrain their Outrages: And we find, Sir, by Experience, that no Reduction ever was attended by any Return of Gratitude on the Part of the common People. So that, as Gentlemen have been ſtating this Queſtion in their Manner, I ſhall beg leave to ſtate it in mine. And it is, Sir,

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Whether it be moſt probable that his Majeſty will abuſe his Power, if we ſhall keep up the Army; or that his Enemies will lay aſide their Deſigns, and the People return to a due Submiſſion to the Civil Magiſtrate, in caſe we reduce it? Indeed I do not know what are the Sentiments of other Gentlemen; but I own, Sir, it is no hard Matter with me to determine myſelf in this Caſe; and, for this Reaſon, to give my Vote in favour of this Reſolution.'

Walter Plumer, Eſq;

Sir,

Walter Plumer, Eſq;

The Reaſoning of the Honourable Gentleman who ſpoke laſt, is not unlike that of a Phyſician who was called to viſit an Acquaintance of mine. Two or three other Members of the Faculty were called at the ſame Time, and all of them, except this Phyſician, agreed in their Conſultations, that the Nature of the Patient's Diſeaſe required Lenitives: The Reaſon which this ſingular Doctor gave, for differing from his Brethren, was, "That Corroſives were only to be "cured by Corroſives." Sir, we have long had Corroſives applied, to correct the ſharp Humours of a People whoſe Conſtitution has been vitiated by a Courſe of ſevere Exactions and Taxes, without any apparent Advantage to the Kingdom. And it was reaſonable to expect, Sir, that by this Time ſome Lenitives ſhould have been applied. But this, Sir, it ſeems, is not agreeable to the Maxims of the honourable Gentleman, who laſt Seſſion entertained us with the ever-memorable Speech, which he concluded by telling us from a Roman Poet, *Immedicabile vulnus enſe recidendum.* I am afraid, that this, Sir, may indeed be the only Remedy that can be applied, if we ſhould proceed in exaſperating the People, by not only continuing but increaſing the principal Grievance they have.'

Sir Joſeph Jekyl ſpoke next, to the following Purpoſe:

Sir,

Sir Joſeph Jekyl.

'I acknowledge that formerly I uſed to give my Vote for keeping up a Standing Army in Time of Peace, becauſe I thought we could never uſe too many Precautions againſt the growing Power and the aſpiring Genius of France.

'But the Providence of Heaven has raiſed up another Power in Europe, which ſeems by the Check ſhe has already given to the French Ambition, to be an Over-match for her in the Field: Gentlemen will eaſily perceive that I mean the Empreſs of Muſcovy, whoſe Empire till within theſe few Years had but a very ſmall Share in the Ballance of Europe. For this Reaſon I think there is not the leaſt Pretence, Sir, for keeping up a Standing Army on Account of the Situation of Affairs Abroad; that Pretence being effectually removed by the ſudden Growth of the Muſcovite Power, from whom we

we have nothing to fear, either on account of their Situation or Intereſt. So that, Sir, the Reaſons why we are to keep the propoſed Number up, muſt be of a domeſtick Nature. And indeed, if I were convinced that they were of the leaſt Uſe in enabling the Civil Magiſtrate to put the Laws in Execution, I ſhould give my Vote without Heſitation for the preſent Motion. But, Sir, when I ſee the People of all Ranks ſo averſe to a Law which was the only Means left by which the Legiſlature could prevent a total Degeneracy of their Morals, and the abſolute Ruin of their Health; when I ſee they value themſelves upon murdering the Perſons by whoſe Information alone the Offenders againſt that Law can be convicted; and when I ſee that our regular Forces have been of no Uſe in ſuppreſſing thoſe Diſorders; I am inclined to ſuſpect, Sir, that the Infection has ſpread into the Army itſelf. I am the more apt to believe this, Sir, becauſe I had it lately from good Hands; that many of the Soldiers actually were diſguiſed among the Mob who murdered theſe poor Men, and were very inſtrumental in the Riots. If this Infection ſhould proceed farther, Sir, we have Reaſon to fear that our Army will ſoon be as obſtinately diſobedient to the Civil Magiſtrate as our People are, and this muſt produce worſe Conſequences than any Gentleman has yet mentioned. It may be urged, that Soldiers being ſubjected to the military Laws, dare not attempt to oppoſe the Will of their Superiors; but why ſhould we expect from them a greater Deference to their Officers than from the People to the Juſtices. And give me leave to ſay, Sir, that a Mutiny of the Army is more dangerous than a Mob of the People, for this plain Reaſon, that the Puniſhment which attends the one is but light, when compared with what is inflicted on the other. If one or two of the Ringleaders of a Mob are made Examples, Sir, the Juſtice of their Country is ſatisfied; but the Martial Law inflicts the Pain of Death upon every Man who is concerned in a Mutiny. For this Reaſon, Soldiers once engaged in a Mutiny will be more obſtinate and refractory than other People; becauſe, though they ſhould lay down their Arms, their Lives are forfeited; ſo that their real Safety lies in perſevering in their Rebellion. Therefore, I think it is againſt the Rules of good Policy, Sir, for us to keep up a Body of Men, who very probably are tainted with that Spirit of Diſobedience that has gone abroad amongſt our People, and from whom there is nothing ſo bad but what we have to fear, ſhould this Spirit induce them to throw off the Allegiance due to their Superiors.

'Thus far, Sir, I am of the ſame Side of the Queſtion with my worthy Friend who ſits over-againſt me. But, I wiſh the ſame honourable Gentleman had explained ſome

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Expreſſions which he dropt with regard to the Law I have juſt now taken the Liberty to mention. I am neither aſhamed nor afraid to ſay, that I had a great Hand in getting that Law paſſed; and I think, though we had even paid the Sum for it, which the honourable Gentleman has mentioned, we bought it cheap; for it was paying 70,000 Pounds for inſuring the Health and Strength of a whole People. As for the Inconveniences that may ariſe from the Execution of this Law, I am ſenſible there are ſeveral; but, Sir, I believe as few as ever attended the Execution of a Law, ſo unpopular, and at the ſame Time ſo neceſſary. However, if the further Conſideration of that Law ſhould come before us, as I believe, Sir, it ſoon may, I ſhall very willingly concur with any Motion that can put us in a Way of making it leſs ſubject to Abuſe. In the mean time I am of Opinion, Sir, that it will greatly contribute to the Safety of our Conſtitution, and the Reformation of Manners amongſt the common People, if we agree to the propoſed Reduction.'

Joſeph Danvers Eſq; ſpoke next, as follows:

Joſeph Danvers.

Sir,

'We have had a great deal of Debate this Night about the Conſtitution and Government of this and other Nations; and there is no Queſtion, Sir, but there are many different ones in the World. But I believe the People of Great Britain are governed by a Power that never was heard of as a ſupreme Authority in any Age or Country before. This Power, Sir, does not conſiſt in the abſolute Will of the Prince, in the Direction of Parliament, in the Strength of an Army, in the Influence of the Clergy; neither, Sir, is it a Petticoat Government; but, Sir, it is the Government of the Preſs. The Stuff which our weekly News Papers are filled with, is received with greater Reverence than Acts of Parliament; and the Sentiments of one of theſe Scribblers have more Weight with the Multitude than the Opinion of the beſt Politician in the Kingdom. This is the true Reaſon, Sir, why Prudence obliges us to agree to the keeping up the Number of Forces that was firſt propoſed. For my own Part, it is very well known that I hate a Standing Army as I hate the Devil: But, hateful as it is, I do not know how we could live without it. And if the propoſed Reduction were to take Place, the firſt Thing I ſhould do, would be to ſhut up Houſe in the Country, and come and live near Juſtice Deveil; for I do not ſee that any Man is ſafe, unleſs he lives either near him, or in a Barrack.

'Some Gentlemen have been at great Pains to ridicule the Fears of the Pretender as being chimerical; but, Sir, I have Letters in my Pocket, which muſt convince every impartial Perſon, that we have more to fear from the Jacobite Faction, than

than ſome Gentlemen ſeem to believe we have. Therefore, Sir, I ſhall beg leave to enter into the Particulars of an impudent treaſonable Proceeding, that happened within theſe few Days within the Town of Leiceſter. On the firſt Day, Sir, of this very Month, ſeveral Papers were found poſted up within that Town, containing the moſt impudent and treaſonable Inſults upon his Majeſty and the Government, that, I believe, were ever yet committed at a Time when there was no open Rebellion in the Nation. They contained no leſs, Sir, than an Alarm to the People, in favour of the Pretender, and imported a Reſolution of proclaiming him the tenth of June; which, Sir, by the way, is his Birth-Day. After an Inſult of this Nature, Sir, committed in Defiance of the Government, in a Country Town, will any Man ſay that we have nothing to fear from the Jacobite Faction? Or can we imagine that the Authors of theſe treaſonable Libels have no Abettors in the Country? They have, Sir, I am afraid, but too many, and were our regular Forces to be reduced, I believe they would have more ſtill; and they would ſoon come from threatening to acting. The Queſtion, then, Sir, among the Populace, would not be, Who is for the King, or who is for the Pretender? They would only ask, Who is for, or who is againſt the Government? And every Man, Sir, who ſhould act againſt the Government, be his Motive, Ambition, Diſguſt, Diſappointment, Principle, Revenge, or any other Cauſe whatever, ſuch a Man, Sir, would be ſure to have them for his Friends; for it is Recommendation enough to them, if he is an Enemy to the Government, no Matter to whom he is a Friend. Therefore, Sir, I think the Safety of the Nation, at preſent, requires that we ſhould make no Reduction of our Forces.'

Upon the Report which was made by the Chairman of the Committee next Day to the Houſe, the Eſtimate for the Regiment to be ſent to Georgia was objected to, by ſome Gentlemen who ſpoke in the foregoing Debate againſt the Reſolution: Accordingly a Debate enſued.

Colonel Mordaunt.

Sir,

Col. Mordaunt.

'I am ſurpriſed to find that ſome Gentlemen do not diſtinguiſh between the Army now propoſed to be kept up, and that Sort of Standing Armies which the Whigs in former Reigns ſpoke and wrote ſo much againſt. The Whigs, 'tis true, have always been againſt keeping up Standing Armies in Time of Peace by the ſole Authority of the King, and without Conſent of Parliament; but no Whig ever ſaid that it was inconſiſtent with, or that it would be dangerous to our Conſtitution, to keep a few regular Troops in Pay for one Year, in caſe the Parliament ſhould upon mature Delibera-

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tion conclude, that ſuch a Thing was neceſſary, either for the ſecuring the Peace and Quiet of the Nation againſt the ſecret Deſigns of foreign or domeſtick Enemies, or for giving Weight to any foreign Negotiation our Government might then have upon the Carpet. This, I ſay, Sir, no Whig ever oppoſed; and for this Reaſon, the Words, 'unleſs it be with Conſent of Parliament,' were inſerted in the Declaration of our Rights and Liberties, which was preſented to the then Prince and Princeſs of Orange at the Revolution, and which may properly be called the ſecond Magna Charta of this Nation.

'If the Whigs of thoſe Days had been of the ſame Opinion which ſome Gentlemen ſeem now to be of; if they had thought that the keeping up an Army of any Kind, or for any Time, was inconſiſtent with our Conſtitution, that Article in the Declaration would certainly have ſtood thus: "That the raiſing or keeping a Standing Army within the Kingdom, in Time of Peace, is againſt Law:" And I muſt leave to Gentlemen to conſider, whether ſuch a Declaration would not have been in itſelf ridiculous? For my own Part, I muſt be of Opinion, that it would have been a little inconſiſtent with common Senſe to have declared, that an Army kept up by the Authority, and with the Conſent of King, Lords, and Commons, was an Army kept up againſt Law; for it would, in my Opinion, be the ſame with declaring, that a Law agreed to by all the Branches of our Legiſlature was againſt Law. This, Sir, the Whigs of thoſe Days were ſenſible of; and if they were now alive, they would be far from pretending to ſay, that it was inconſiſtent with the Principles of a true Whig, to give his Vote for keeping up, for one Year, by Authority of Parliament, ſuch a Number of regular Troops, as he thought abſolutely neceſſary for the publick Good of the Kingdom.

'I have always gloried, Sir, in being thought a Whig; I hope I ſhall never, by my Behaviour, either in this Houſe, or without Doors, give the leaſt Occaſion to the World to think otherwiſe of me; and for this very Reaſon I am for keeping up an Army, becauſe I think the keeping up of an Army abſolutely neceſſary for ſupporting the Whig Intereſt, and preſerving the Peace and Quiet of the People. In every Diſpute that has happened of late Years about our Army, I have looked upon the Queſtion to be chiefly, whether Whig or Tory ſhould prevail? And as I have always thought, as, I believe, every unprejudiced Whig in the Kingdom thinks, that if the Army ſhould be disbanded, or very much reduced, the Tory Intereſt would prevail; therefore I have generally been againſt ſuch Reductions, and always ſhall be extremely cautious of agreeing to any ſuch Propoſition. Nay, I am

ſo

ſo firmly attached to the Whig Intereſt, that if I ſhould think four Times the Number of Troops abſolutely neceſſary for ſupporting that Intereſt, I would be for keeping up a Standing Army four Times as numerous as that we have now on Foot.

'That there are Diſcontents among the People, Sir, and that thoſe Diſcontents are too general, I ſhall readily agree; but whether they are owing to Diſaffection, I ſhall not pretend to determine: I am ſure they are not owing to Reaſon; for there is no Country in the World where the Liberties and Properties of the Subject are more ſacredly preſerved, nor are there any Subjects who pay leſs for the Eaſe and Security they enjoy, than the Subjects of this Kingdom; but there are ſome Men who ſeem to think they ought to pay nothing, nor be at any Trouble, for preſerving to themſelves the Bleſſings of Peace and Security. To pleaſe ſuch Men, or to prevent their being diſſatisfied, is impoſſible; for Government muſt always be expenſive: Some Men muſt be employed for managing and tranſacting the Affairs of the Society, and ſome muſt now and then expoſe themſelves to Danger for the Defence of the Society; and it is both reaſonable and neceſſary, that thoſe who ſpend their whole Time, or a great Part of their Time, in Government Affairs, as well as theſe who venture their Lives for the Preſervation of others, ſhould be rewarded by thoſe, who by their Means are enabled to proſecute their own private Affairs with Safety, and without Interruption. There are other Men, and thoſe not a few, who are ſo fond of Novelty and Change, that they are continually wiſhing for publick Convulſions and Revolutions: Such Men are of ſo odd a Temper, that they become diſſatisfied with the Security they enjoy, and a long uninterrupted Courſe of publick Happineſs renders them compleatly miſerable; and there are others, who never can be pleaſed, unleſs they have the intire Direction of all publick Affairs; therefore when they are not employed, and chiefly employed, they are continually ſpreading virulent Libels, and ſeditious Pamphlets againſt thoſe that are, by which Means many unwary Perſons are caught, and are made to believe, that the Nation is ruined and undone, though every Man in the Nation, who is tolerably frugal and induſtrious, finds himſelf in an eaſy and thriving Condition. Theſe are three of the Cauſes of thoſe Diſcontents that prevail at preſent among the People; and if to theſe we add downright Diſaffection, which I am afraid is much more general than ſome Gentlemen imagine, I believe we may account for all our Diſcontents, without loading our Government with being the Cauſe of any of them, except thoſe of the ſecond Sort I have mentioned; for to the wiſe and ſteady Conduct of our Govern-

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Government, we muſt attribute the [illegible] publick Happineſs we have enjoy[illegible] for one Year only, doe Diſſatisfaction of all thoſe, w[illegible]ke no very extraordinary Changes.

[illegible] of this Nation, and muſt be

'But, Sir, let the C[illegible]ly and frugally expended, be will, they are ſo gene[illegible]ſured againſt the vaſt Expence I am convinced [illegible]ion would be put to, by an Inſur in great Danger [illegible]hich might probably be the Conſe- Majeſty could [illegible] Reduction of our Army. I doubt if [illegible], there were no Diſcontents or Diſaffec- Days in [illegible] People, ſuppoſe we were in no poſſible at preſe[illegible] Inſurrection or Invaſion; yet conſidering Eſtab[illegible] State of our foreign Affairs, conſidering the for [illegible] State of the Peace now ſubſiſting between Spain a [illegible] and the many Grounds of Quarrel we have with that [illegible], I muſt think it would be very imprudent in us, [illegible] preſent, to make any Reduction of our regular Troops; [illegible] the Regard a Nation meets with in all foreign Negotiations, very much depends upon the Opinion Foreigners have of her Power; and that Opinion now depends chiefly upon the Number of regular Troops ſhe has in her Pay. None of our Neighbours put any Truſt in their own Militia, and therefore it cannot be ſupoſed they have any Regard for ours, or that they would ſhew us any Reſpect on Account of our Militia were it in a much better Condition than it is in at preſent, or were it in as good a Condition as any Militia can be put in. For this Reaſon, to the End that this Nation may have its due Weight in all foreign Negotiations, we ought always to keep up a good Body of regular Troops; and particularly at preſent, if we have a Mind to obtain any Redreſs from Spain, we ought not to reduce any Part of our Army; for that Redreſs muſt be obtained either by Negotiation or by Force of Arms: If we propoſe to obtain it by Negotiation, a Reduction of our Army would diminiſh the Weight of any Negotiation we can carry on for that Purpoſe; and if we propoſe, or ſhould be obliged, to make Uſe of Force for obtaining it, we muſt rather add to than diminiſh our Army. From all which I muſt conclude, that at preſent it would be highly imprudent in us to make any Reduction, eſpecially ſuch a conſiderable Reduction as is now propoſed.

The Right Hon. Lord *Polwarth ſpoke to this Effect, *viz.*

Sir,

Lord Polwarth.

'I am ſorry to find the Opinions of our Whig Anceſtors, about Standing Armies, ſo much miſtaken as they ſeem to be by ſome Gentlemen who have ſpoke in this Debate; for with Reſpect to the Effects or Conſequences of a Standing Army, it will appear that our Anceſtors thought there was

*Since Earl of Marchmont, a Scotiſh Peer.

no

no Difference, between a Standing Army kept up without the Authority of a Parliament, and a Standing Army, or a Land Force, as the Courtiers affected to call it, kept up from Year to Year by the Authority of Parliament. I ſhall grant, that before the Revolution all our Diſputes about Standing Armies, related to ſuch as were kept up by the ſole Authority of the King, and without Conſent of Parliament: For before that Time no Whig ſuppoſed that a free Parliament would ever give their Conſent to the keeping up of a Standing Army within the Kingdom in Time of Peace. This was the true Reaſon for their agreeing to the inſerting thoſe Words, "unleſs it be with Conſent of Parliament," in the Declaration of our Rights and Liberties. By theſe Words they thought they could not in the leaſt derogate from our Security, againſt the keeping up a ſtanding Army in Time of Peace; becauſe they could not ſuppoſe that a free Parliament would ever conſent to any ſuch Thing: But if they had forſeen or imagined, that ſome future Parliament might be prevailed on to give their Conſent to the keeping up of a ſtanding Army in Time of Peace, that Article in the Declaration of our Rights and Liberties, would certainly have been drawn up in ſuch Terms as not to admit of any ſuch Exception. They would not have ſaid, that the raiſing or keeping up a Standing Army within the Kingdom, in Time of Peace, is againſt Law; becauſe the Expreſſion would have been improper, and ſuch as could not have been made Uſe of by any Man who underſtood our Language; but they might, and would have ſaid, that the raiſing or keeping up a Standing Army within the Kingdom, in Time of Peace, is inconſiſtent with our Conſtitution; for tho' a Law agreed to by King, Lords, and Commons, cannot be ſaid to be againſt Law, yet it may be, and may properly be ſaid to be, inconſiſtent with our Conſtitution. If in ſome future ambitious Reign, and during the Courſe of a corrupt and dependent Parliament, our King, Lords, and Commons, ſhould agree to a Law for veſting an abſolute Power in the King, ſuch a Law could not be ſaid to be againſt a Law; but ſurely ſuch a Law might properly be ſaid to be inconſiſtent with our Conſtitution.

'I ſhall not ſay, Sir, that the paſſing of a Law for providing our King with ſuch a Standing Army, as may be ſufficient for enabling him to aſſume an arbitrary Power whenever he pleaſes, is a Law of this Nature; becauſe I am not of Opinion with Mr. Hobbes, that Power gives Right; but I muſt be of Opinion, that he who gives another Man Power to take his Right from him, may in ſome meaſure be ſaid to give up his Right; for Right is ſeldom of any Signification againſt a Power that cannot be reſiſted;

Anno 11 Geo. II. 1737-8.

and a ſtanding Army kept up from Year to Year, by Authority of Parliament, is certainly as irreſiſtible, and conſequently as inconſiſtent with the Preſervation of our Rights and Liberties, as a ſtanding Army kept up from Year to Year without any ſuch Authority. The Diſtinction between theſe two Sorts of ſtanding Armies, is a Diſtinction which could not be made, nor ever was made, in this Kingdom, till the Year 1697: Then, indeed, the Courtiers, who were for obtaining the Conſent of Parliament to the keeping up of a ſtanding Army in Time of Peace, found out this Diſtinction; for I muſt obſerve, that in all Reigns, Courtiers ſeem to have been pretty quick at finding a Diſtinction without a Difference; but when I reflect upon the Tranſactions of that Year, I am extremely ſurprized to hear any Gentleman affirm, that no Whig ever ſaid, that it was inconſiſtent with, or that it would be dangerous to, our Conſtitution, to keep a few regular Troops in Pay for one Year, in Caſe the Parliament ſhould give their Conſent. Was not this the very Queſtion then in Diſpute? And did not all the true Whigs range themſelves upon the affirmative Side of the Queſtion? Did not they all, both in their Speeches and Writings, affirm, that the keeping up of a ſtanding Army from Year to Year, whether with or without the Conſent of Parliament, would be of the moſt dangerous Conſequence to our Conſtitution? They did not then ſay that the Parliament ought not to conſent to the keeping up a ſtanding Army in Time of Peace, becauſe we were then under no Neceſſity for ſo doing; but they ſaid we never could be under any ſuch Neceſſity; becauſe the Danger we ſubjected ourſelves to, by keeping up a ſtanding Army in Time of Peace, was greater, and more to be dreaded, than any other Danger we could ever be expoſed to.

'This, Sir, will appear from the whole Tenor and Spirit of the Pamphlets that were wrote by the ſtaunch Whigs upon that Occaſion; particularly from the two Arguments againſt a ſtanding Army, publiſhed in the Year 1697, and ſaid to have been wrote by a Gentleman, whom all the World muſt allow to have been a true Whig, and an honeſt Man; I mean the late Mr. Trenchard, who in one of theſe Pamphlets expreſly ſays, that an authorized ſtanding Army (meaning an Army kept up by Authority of Parliament) is worſe than a foreign Invaſion, and Conqueſt from abroad. This, Sir, he not only gives as his own Opinion, but he gives very ſubſtantial Reaſons for ſupporting his Opinion. That honeſt Gentleman was in the ſame Caſe with many Gentlemen now in this Houſe: He could not diſtinguiſh, at leaſt he could find but very little Difference, between a ſtanding Army kept up by Authority of Parliament, and a ſtanding

ſtanding Army kept up without any ſuch Authority; for he ſays, the Army kept up by the late K. James were Aids and Inſtruments of arbitrary Government, without any legal Authority, and therefore might have been reſiſted and removed as a Nuſance, as ſoon as the Nation found itſelf able; and an Army kept up by Authority of Parliament, he likewiſe calls Aids and Inſtruments of arbitrary Government; but, ſays he, they are legal Inſtruments, and therefore may enſlave us by Authority; nor can they be reſiſted, becauſe they can plead our own Act and Deed againſt us. So that in this Gentleman's Opinion, a ſtanding Army kept up by Authority of Parliament, is worſe than a ſtanding Army kept up without any ſuch Authority; and therefore, if he were ſtill alive, we may ſuppoſe he would inſiſt upon its being inconſiſtent with the Principles of a true Whig, to give his Vote in Parliament for keeping up a ſtanding Army, but for one Year; for he then foretold what we have ſince in Part found by Experience to be true, that by the Parliament's giving its Conſent for keeping up a ſtanding Army in Time of Peace, but for one Year, the Courtiers always mean a Conſent for keeping it up in Secula Seculorum.

'Having thus, Sir, ſhewn the true Sentiments of the old Whigs, and by that Means juſtified their Memory againſt what I take to be an Aſperſion thrown upon their Underſtanding, I muſt now endeavour to vindicate the preſent Whig Intereſt, by ſhewing the Impropriety of that Compliment, which the honourable Gentleman has been pleaſed to paſs upon the Tories. He has told us, that a ſtanding Army is neceſſary for preſerving the Whig Intereſt, and that if our Army ſhould be disbanded, or very much reduced, the Tory Intereſt would certainly prevail. God forbid, Sir, it ſhould be ſo! for if it were, I am ſure I ſhould very ſoon become a Tory; but I differ ſo much from the honourable Gentleman, that I am convinced the Whig Intereſt never will be ſupported by an Army, nor can the Tory Intereſt be ſupported by any other Means. This is my Opinion; but as he and I probably differ extremely in what we call the Whig and the Tory Intereſt, I muſt explain what I mean by them, and what Sort of Gentlemen ought, in my Opinion, to be called Whigs or Tories. The Whig Intereſt I take to be that Party of Men in the Kingdom, who have a due Reſpect to the antient Powers and Perogatives of the Crown, but think that they ought always to be made ſubſervient to the publick Good, and that they are bounded by the Rights and Liberties of the People: The Tory Intereſt, again, I take to be that Party of Men in the Kingdom, who have ſuch a Veneration for the Powers and Perogatives of the Crown, as to think, that the publick Good may ſometimes be made ſubſervient to them, and that they can be bounded by nothing but the Pleaſure of the

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King and his Miniſters. In ſhort, the former is the Party that ſets up for the Liberty of the Subject, without incroaching upon any Power or Perogative the Crown can juſtly claim; the latter is that which ſets up for giving ſuch a Looſe to the Powers and Perogatives of the Crown, as to leave no Liberty to the Subject.

'Now, Sir, I do not call a Man a Whig or Tory from his Behaviour twenty, a dozen, or half a dozen Years ago: I give every Man the Denomination of Whig or Tory according to his preſent Behaviour. If a Man ſet out in the firſt Part of his Life with the Character of a Tory, and acted as ſuch for ſeveral Years, yet if he now appears in the Cauſe of Liberty, and oppoſes every Scheme that he thinks may tend towards the Eſtabliſhment of arbitrary Power, I muſt call ſuch a Man a Whig, and while he behaves in the ſame Manner, I ſhall always ſuppoſe him to be in the Whig Intereſt. On the other hand, ſuppoſe a Man to have been twenty Years ſince, or but one Year ſince, one of the moſt zealous Aſſertors of Liberty in the Kingdom, yet if I find that he is now a ſanguine Supporter of Prerogative, and ready to contrive or agree to any Scheme that may tend to increaſe the Power of the Crown, I muſt call ſuch a Man a Tory, and I muſt call that Intereſt which he is ingaged in, the Tory Intereſt. But I am apt to ſuſpect that my honourable Friend calls this the Whig Intereſt, and if ſo, I ſhall readily agree with him, that what he calls the Whig Intereſt, being that which I call the Tory Intereſt, cannot be ſupported without a Standing Army. This may be a prevailing Argument with him for being againſt any Reduction, but it is an Argument that has a quite different Influence with me; for I think no Intereſt, nor any Party of Men, ought to be ſupported, if a Standing Army becomes neceſſary for their Support.

'I come now, Sir, to an Argument which I mention with Regret. I am ſorry to hear it ſaid by any Gentleman in this Houſe, that becauſe the People of this Nation are diſcontented, therefore they muſt be oppreſſed; for whatever other Gentlemen may think, I take this to be the true Meaning of the Argument, when they ſay, That becauſe the People are diſcontented, therefore a numerous Standing Army muſt be kept up for keeping them in Obedience. To juſtify their making uſe of this Argument, we are told that the preſent Diſcontents among the People are chiefly owing to Diſaffection. If this were the Caſe, I muſt confeſs I ſhould be under a very perplexing Dilemma between the Regard I have for the illuſtrious Family now upon the Throne, and the Regard I have for the Liberties of my Country; but, thank God! this is far from being the Caſe; there is not the leaſt Pretence for ſaying that any of our preſent

ſet Diſcontents are owing to Diſaffection, becauſe in all the Riots and Tumults we have lately had, there has not been the leaſt Muttering heard againſt the King, nor the leaſt Indignity offered, no not ſo much as to any Servant belonging to the Royal Family; and if any of theſe Mobs or Riots had proceeded from Diſaffection, if the People had been ſpirited up by Jacobites, if they had been governed by any Sort of Jacobite Principles, or if they had entertained in their Hearts any Sort of Rancour, Malice, or Diſaffection againſt the Royal Family, we cannot ſuppoſe them ſuch Politicians, or that they would have put ſuch a Reſtraint upon their private Sentiments, as not to ſhew the leaſt Sign of them upon ſuch Occaſions. Annoq. Geo. II. 1737-8.

'This ſhews, Sir, how groundleſs it is to pretend that our preſent Royal Family could not remain three Days in England, if it were not for our regular Troops, eſpecially that ſuch a numerous Standing Army as we have at preſent, is neceſſary for defending his Majeſty's Perſon from Inſults or Dangers. No, Sir, whatever may be the Caſe of ſome of thoſe who are near St. James's Palace, I am ſure his Majeſty and all the reſt of the Royal Family might remain at St. James's Palace, or any other Part of the Kingdom, in the utmoſt Safety, tho' neither of them had any ſuch Thing as that now called a Soldier to attend them. Of this now we have a glaring Proof every Day before our Eyes. His Royal Highneſs the Prince of Wales has at preſent no Guards to attend him: He paſſes every Day to and fro in the Streets of London, and travels every where about London, without ſo much as one Soldier to guard him: Nay he has not ſo much as one Centry upon his Houſe in St. James's Square; and yet his Royal Highneſs lives, I believe, in as great Security at his Houſe in St. James's Square, without one Centry to guard him, as his Majeſty can be ſuppos'd to do in St. James's Palace with all the Guards about him.'

Mr. Lytelton ſpoke next in Subſtance thus:

Sir,

'By what I can collect from the long Debate we have had upon this Queſtion, I find the three chief Arguments made uſe of againſt the Reduction propoſed are, the Fears we are under from the Pretender, the Diſcontents that are among our People, and the Care we ought to take of preſerving that Weight and Influence, which this Nation ought to have in all foreign Negotiations. Theſe, Sir, are the Reaſons, and theſe only are given as the Reaſons, for keeping up the ſame Number of mercenary Troops but for this inſuing Year, which I muſt think is a little ſurpriſing; for if there be any Weight in any of theſe Reaſons, I think it may be eaſily ſhewn, that they will always be as good as they are at preſent; and therefore, if any one of them be an Argument for keeping Mr. Lytelton.

Anno 11 Geo. II. 1737-8.

keeping up the ſame Number of mercenary Troops for one Year longer, it muſt be an Argument for keeping up the ſame Number for ever. Nay, I believe every one of them will gather new Weight every ſucceeding Year, and however imaginary they may be at preſent, I am afraid they will at laſt become real, and may become good Reaſons, not only for keeping up the ſame Number we have at preſent, but for keeping up a much greater Number: I am even convinced they will at laſt become good Reaſons for introducing and keeping up a large Body of foreign mercenary Troops; for if our People ſhould become generally diſaffected, as well as diſcontented, our Government could not rely upon an Army raiſed and recruited from a People generally diſaffected: The Soldiers, at leaſt, of ſuch an Army, would be apt to embrace the firſt Opportunity for following their natural Inclinations.

'As to the Diſcontents that are ſaid to be at preſent ſo general among our People, I muſt with Sorrow confeſs that I think they are but too general; but I think their Cauſes are far from being ſuch as have been aſſigned. An hon. Gentleman has indeed given us a very ingenious Deſcription of what he takes to be the Cauſes of our preſent Diſcontents; but theſe Cauſes, Sir, are ſuch as muſt for ever ſubſiſt, and muſt for ever produce the ſame Effects; ſo that if there are no Diſcontents in the Nation, but what proceed from one or other of theſe Cauſes, we can never expect to ſee an End or a Diminution of our Diſcontents, and conſequently we can never expect to ſee an End or a Diminution of our ſtanding Army. The firſt two, I mean the Diſcontents of thoſe, who are ſo unreaſonable as to expect Safety and Security, without their being at any Trouble or Expence for that Purpoſe, and the Diſcontents of thoſe who are ſo fond of Changes, as to risk their own Deſtruction rather than not to have one, muſt both be perpetual; for if there are any ſuch Men in the Kingdom as either of theſe, there is no Reaſon to expect they will ever be fewer: Nay, as theſe Cauſes are ſuch as proceed from the Nature of Mankind, they are ſuch as muſt not only for ever ſubſiſt, but muſt in every Nation ſubſiſt; and conſequently, the Diſcontents proceeding from theſe, muſt be a Reaſon for keeping a numerous ſtanding Army on Foot, not only at all Times, but in all Nations. From hence I may ſay, that ſome of our Neighbours, as well as we, are much obliged to the honourable Gentleman, for furniſhing them with a Pretence for keeping up great Armies, which I am perſuaded none of them ever thought of before. But every Man who knows any Thing of the Nature of Mankind, muſt be convinced that there cannot be in this Nation, nor in any other, a great Number of ſuch Men; and therefore no Government

can

ſtand in need of a numerous mercenary Army, for keeping ſuch Men in Obedience. Anno 11 Geo. II. 1738.

'Another Cauſe, Sir, which the honourable Gentleman has been pleaſed to aſſign for our Diſcontents, is likewiſe a Cauſe which muſt for ever, and every where, ſubſiſt, becauſe it depends upon the Nature of Mankind; and it muſt in every free Country produce the ſame Effects it does in this. In every free Country the People have a Right to make their own Laws, and to enquire into the Adminiſtration of their publick Affairs; therefore they have a Right to know what may be ſaid for or againſt either. In ſuch Countries, the moſt wiſe and juſt Adminiſtration, the moſt prudent and neceſſary Laws or publick Meaſures, may be traduced and miſrepreſented by ſome Men, for ſelfiſh Ends; but in every ſuch Diſpute, the Government has, from the very Nature of all Governments, a great Advantage: Thoſe who ſpeak or write againſt the Meaſures of the Government, even ſuppoſing thoſe Meaſures to be oppreſſive and unjuſt, or abſurd and ridiculous, are always under a great Reſtraint; they are always in Danger of exceeding thoſe Bounds that are preſcribed by the Laws of their Country, and have often ſuffered ſeverely on that Account: On the other Hand, thoſe who ſpeak or write in ſupport of ſuch Meaſures, are never under any ſuch Reſtraint, and are always richly rewarded; which is an Encouragement their Antagoniſts can ſeldom expect, and much ſeldomer meet with. For this Reaſon it is impoſſible to ſuppoſe, that by any Sort of Enquiry, by any Sort of Writing or Speaking, any general Diſcontent can be raiſed againſt a juſt and wiſe Adminiſtration: On the contrary, the more their Meaſures are canvaſſed, the more general Satisfaction they muſt give; for Truth always appears brighter, the more it is expoſed to the Light.

The next Cauſe of Diſcontent, which the honourable Gentleman has been pleaſed to call downright Diſaffection, is, 'tis true, ſomething peculiar to this Nation; but this Cauſe muſt likewiſe for ever ſubſiſt, becauſe, I believe, we ſhall always have a Popiſh Pretender without, and ſome few Papiſts within the Kingdom: Nay, I know not but that we may always have ſome Proteſtants poſſeſſed with the Notions of paſſive Obedience and Non-reſiſtance, however ridiculous they may appear to thoſe who can reaſon coolly upon the Subject; but I am ſure the Number of this Sort of Proteſtants, is not conſiderable at preſent, nor is the Number of Papiſts ſo conſiderable as to afford any Colour for ſaying, that downright Diſaffection is one of the principal Cauſes of thoſe Diſcontents, which are at preſent ſo general among our People.

'Thus, Sir, I have ſhewn, I think, that all the Cauſes of Diſcontent, that have been aſſigned by thoſe who argue in favour of a ſtanding Army, are ſuch as muſt for ever ſubſiſt, and ſuch

Anno 11. Geo. II. 1737-38.

ſuch as muſt always have the ſame Effect they have at preſent; ſo that if there are now no Diſcontents among us, but ſuch as proceed from one or other of theſe Cauſes, our Diſcontents, as I have ſaid, muſt always be as general as they are at preſent, and conſequently we muſt always have the ſame Reaſon for keeping up the ſame Number of mercenary Troops: But I am of Opinion, that moſt of our preſent Diſcontents proceed from very different Cauſes, and that the keeping up of ſuch a numerous ſtanding Army within the Kingdom, in Time of Peace, is one of the chief, tho' not the only Cauſe, of moſt of our preſent Diſcontents. The honourable Gentleman has told us, that none of our Diſcontents can be owing to Reaſon, becauſe there is no Country in the World where the Liberties and Properties of the Subject are more ſacredly preſerved, nor are there any Subjects who pay leſs for the Eaſe and Security they enjoy, than the Subjects of this Kingdom. This may, perhaps, be his Opinion; but even he himſelf muſt acknowledge there are Multitudes of Men in the Kingdom, who think otherwiſe; Men who are neither Jacobites, nor fond of Changes, nor ſuch as would grudge to pay their proportionable Share towards every neceſſary publick Expence. Can any Man think his Property ſacredly preſerved, when he is obliged to pay heavy Taxes for ſupporting a publick Expence, for which he thinks there is not the leaſt Occaſion? This is the Caſe of moſt Men in the Nation: I believe nine Parts in ten of our People think a ſtanding Army of 12,000 Men, more than we have Occaſion for in Time of Peace; therefore nine Parts in ten of our People muſt think the keeping up of the ſupernumerary 6,000 a publick Expence for which there is not the leaſt Occaſion, and conſequently, nine Parts in ten of our People muſt think their Property is not ſo ſacredly preſerved as it ought to be. Can any Man think either his Liberty or Property ſecure, who thinks that both depend upon the Moderation of a Court, and the Honour of a mercenary Army? This I think has been clearly ſhewn, in the Courſe of this Debate, to be our Caſe at preſent, and that it muſt always be our Caſe as long as we keep ſuch a numerous mercenary Army within the Kingdom; and no Man who thinks ſo, which is, I believe, the Caſe of moſt thinking Men in the Kingdom, can think either his Liberty or Property ſo ſecure as it ought to be.

The Liberties and Properties of the Subject may be as ſecure and as ſacredly preſerved in this, as in any neighbouring Country; but this, Sir, is not ſufficient. If our Neighbours are all Slaves, are we to be pleaſed with being leſs Slaves, or happier Slaves, than they? No, Sir: Nothing can pleaſe our People, nor ought they to be pleaſed with any Thing leſs than

than having their Liberties and Properties as ſecure and as ſacredly preſerved, as they ought to be by the Nature of our Conſtitution; and this they never can, as long as we unneceſſarily keep up a numerous Standing Army in Time of Peace. It is not therefore a comparative, it is a real Security our People expect; and every one muſt be diſcontented, who thinks he does not enjoy that Security. This, I ſay, Sir, is one of the chief Cauſes of our preſent Diſcontents; and as it has been admitted on all Sides, that Diſcontent may at laſt deviate into Diſaffection, thoſe who are really afraid of the Pretender, and have nothing elſe to fear, ought, and certainly will, be for removing this Cauſe of Diſcontent as ſoon as poſſible. Anno 11 Geo. II. 1737-38.

'It may, as I have ſaid, Sir, be true, that in this Country the Liberties and Properties of the Subject are as ſacredly preſerved as in any other; but I am ſurpriſed to hear it ſaid, that there are no Subjects who pay leſs for the Eaſe and Security they enjoy, than the Subjects of this Kingdom; for I will venture to affirm, and, if it were neceſſary, I could from Calculation and Compariſon make it appear, that the Taxes paid by the People of this Kingdom yearly, amount to a greater Sum, in Proportion to their Numbers, than is paid yearly by any People, I believe, under the Sun; therefore, if there be any publick Expence incurred, that is not abſolutely neceſſary, or if any Man has of late Years with Impunity involved the Nation in Expences, which were not neceſſary, whoever thinks ſo, muſt have Reaſon to be diſcontented, without imputing his Diſcontent to any of the Cauſes the hon. Gentleman has been pleaſed to aſſign; and I am afraid there are but too many who think ſo; but whether they have juſt Ground to think ſo, I ſhall not take upon me to determine. If they have not, ſurely ſome proper Methods may be found, to perſwade them they are in the wrong; for to pretend to convince them by a Standing Army, I muſt look on to be the ſame with that Method of Arguing, which Popiſh Inquiſitions make uſe of for the Converſion of Hereticks and Infidels; or, as a facetious Author of our own has expreſſed it,

Such as do build their Faith upon
The holy Text of Pike and Gun.*

'I come now, Sir, to the third Reaſon that has been inſiſted on for our keeping up the ſame Number of regular Troops, which is, That it is neceſſary for preſerving the Weight and Influence this Nation ought to have in all foreign Negotiations. This likewiſe is brought as a Reaſon for keeping up the ſame Number of Forces, only for this enſuing Year; but does not every one ſee, that this muſt be

* *Hudibras.*

Anno 11. Geo. II. 1737-38.

as ſtrong a Reaſon with next Seſſion, and with every ſucceeding Seſſion of Parliament, as it can be with the preſent? If the Weight and Influence we now have in foreign Negotiations depend upon the Number of mercenary Troops we keep in our Pay, what Reaſon can be aſſigned for its not depending a Year hence, or two Years hence, upon the ſame Cauſe, as much as it can be ſuppoſed to do at preſent? This Reaſon, therefore, like the two former, muſt be a perpetual Reaſon for keeping up the ſame Number of mercenary Troops; for I fancy it will not be ſuppoſed there can ever happen a Time, when we ſhall have no Occaſion for having any Influence in foreign Negotiations; but this, Sir, can be no Reaſon for keeping up a numerous Standing Army in Time of Peace, either in the preſent or any future Time; for I am certain, the Weight and Influence of this Nation in foreign Negotiations of all Kinds, and in all Countries, muſt depend upon the Wiſdom of our Councils, and the Unity and Confidence that ſubſiſts between our King and People. Our Neighbours are fully ſenſible of the Power of this Nation, and will always have a due Regard for that Power, when they think it is united, and prudently directed. This we may be convinced of from every Part of our Hiſtory, and this is one of the ſtrongeſt Arguments with me for reducing our Army; for by keeping up a numerous Standing Army in Time of Peace, we ſhall always convince Foreigners, that there are Diſcords and Animoſities between our King and People, or that there is great Folly in our Councils; becauſe, if there are no Diſcords or Animoſities between our King and People, conſidering the Situation of our Country, and the Superiority of our Fleet, we can have no Occaſion for keeping up a numerous Land Army in Time of Peace; therefore no wiſe Adminiſtration will put their People to ſuch an unneceſſary Expence; and no Foreigner will have any great Regard for our Power, if it were much greater than it is, as long as they are convinced, that our Power is diſunited, or that it is under the Direction of weak and ridiculous Councils.

'This, Sir, I am afraid is an Effect which we feel at preſent. We have for ſo many Years kept up a numerous Standing Army in Time of Peace, that Foreigners, I am afraid, begin to think the Power of this Nation is diſunited, or not prudently directed; and therefore have not ſhewed us ſo much Regard, in ſome late Negotiations, as they ought to have done. I am convinced they will find themſelves miſtaken, if they ſhould at laſt by their Conduct oblige us to make uſe of our Power, in order to convince them of their Error; for this is one of thoſe few Errors which can be removed only by Force of Arms; but a numerous Land Army

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can never be the moſt proper Sort of Force for this Nation to make uſe of, even for ſuch a Purpoſe; and much leſs can it be proper or neceſſary for us to provide any ſuch Army, till we have Occaſion for them. Our Neighbours all know we can have ſuch Armies whenever we have a Mind, becauſe we have Money to pay for them; and if we cannot march them by Land, they know we have an irreſiſtible Fleet, which can convey them where-ever we pleaſe to direct our Vengeance.

'With reſpect to Spain, Sir, I am ſorry to ſay it muſt be confeſſed, that we have negotiated in vain, and they have plundered with Succeſs for too many Years; but what can this be owing to? Can it be thought they are ignorant of the Power of Great Britain, or that they would dare to ſtir it up to Vengeance, if they thought it were united, and wiſely conducted: No, Sir, this is not to be preſumed: They are certainly of Opinion, that there are Diſcords and Animoſities ſubſiſting between his Majeſty and his People; and this Miſtake of theirs can be owing to nothing but to our having kept up in this Iſland, for ſo many Years, ſuch a numerous Standing Army; therefore, if we expect to obtain Redreſs from them by Negotiation, the moſt probable Way of ſucceeding would be, to make an immediate Reduction of our Army. But ſuppoſe we can expect no ſuch Thing; ſuppoſe we are now fully convinced, that the only Way of obtaining Reparation muſt be by Force of Arms, what Reaſon can we have for keeping up a numerous Land Army for that Purpoſe? No Man will pretend, that in Caſe of a War with Spain, we can or ought to invade that Kingdom with ſuch a Land Force, as may be ſuperior to any Army they can ſend againſt it: All we have Occaſion for, is to ſend a ſuperior Fleet, with ſome Land Forces on board, to infeſt their Coaſts, till we have brought them to reaſonable Terms; and for this Purpoſe we could ſpare Troops enough from Britain and Ireland, even though the preſent Reduction ſhould be agreed to; or if we could not ſpare enough of our own, what ſhould hinder us from hiring as many from ſome of our Neighbours, as we can have Occaſion for upon any ſuch Occaſion?

'For this Reaſon, Sir, I little expected that the preſent Situation we are in with reſpect to Spain, ſhould have been mentioned as a Reaſon for Land Forces; but I am ſurpriſed they ſhould mention it for this Purpoſe, after they had forgot to make the leaſt mention of it, when they were racking their Invention to find Reaſons for the general Diſcontent that reigns at preſent among our People; for can it be queſtioned but that the Depredations and Barbarities committed by the Spaniards with Impunity, for ſo many Years, againſt our Merchants and Seamen, occaſion great Diſcon-

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tents and great Heart-burnings among our People? Every Man who has been plundered, inſulted, or cruelly uſed by the Spaniards, and who has complained in vain to thoſe who are in Duty bound to give Ear to his Complaints, muſt be diſſatisfied; and all thoſe who have heard their melancholy Tale, muſt be diſſatisfied, if they have any Regard for the Honour, the Trade, or the Happineſs of their native Country, which muſt all be greatly affected by ſuffering ſuch Indignities to paſs unpuniſhed. I hope we have always been, I hope we ſtill are, in a Condition to take proper Vengeance, whenever we find that no Sort of peaceable Meaſures can procure us Reparation or Security; but if we are not, I ſuſpect there muſt be ſome Fault in our late Conduct; and if there is, it ought to be inquired into in a proper Way, and puniſhed in a ſevere Manner: It would give ſome Satisfaction to the Sufferers and to the People, to ſee Juſtice done upon thoſe (if there be any ſuch) who, by their ill Conduct, have brought the Nation into ſuch a forlorn and helpleſs Condition.

'This, Sir, leads me naturally to conſider a Suppoſition that has been made, and an Argument for a numerous Standing Army that has been drawn from it, by an honourable Gentleman in this Debate, with both of which I am not a little ſurprized. It has been ſuppoſed, that the Diſcontents of our People proceed from notorious Oppreſſions or Malverſations in our Adminiſtration, and from thence it has been argued, that our Army ought not to be reduced till the Authors of ſuch Oppreſſions and Malverſations have been tried and puniſhed in a proper and legal Method. With reſpect to any of our preſent Diſcontents, or our preſent Adminiſtration, I am ſure no ſuch Suppoſition can be made; but allow me, Sir, to make ſuch a Suppoſition with reſpect to ſome future Adminiſtration. Suppoſe then, that in ſome future Age, an Adminiſtration, or a Set of Miniſters, or, if you pleaſe, one prime and ſole Miniſter, ſhould for ſeveral Years, under the Shadow and Protection of a Standing Army, carry on oppreſſive and ridiculous Meaſures; would not theſe Miniſters, or that Miniſter, during that whole Time, endeavour to put the Army entirely under the Command of his Creatures and Dependants? And would not he, at the ſame Time, endeavour to bring as many of thoſe Creatures and Dependants into Parliament as poſſible? By this latter Method he might, perhaps, be able to prevent any Enquiry or Proſecution's being brought into Parliament againſt him; and in caſe, by the Virtue, or the Reſentment of the People, he ſhould fail in this Method of protecting himſelf, he might then probably, by Means of the former Method, be able to treat the Parliament as Oliver Cromwell treated the Parliament in his

Time.

Time. Now, I would be glad to know, what Gentleman would be ſuch a Fool as to move for any Sort of Proſecution in Parliament againſt a Miniſter, who, he knew, had a Majority in that very Parliament, that would juſtify him at any Rate: Or what Parliament would be ſuch Fools as to begin a Proſecution againſt a Miniſter, that had an Army at his Beck ſufficient for turning them out of Doors.

'In every ſuch Caſe, Sir, a Reduction of the Army muſt be the firſt Step, that could poſſibly with any Prudence be taken; for if the Friends of the People ſhould find themſelves diſappointed in that Step, it would be ridiculous, it would be Madneſs in them, to expect Succeſs in any legal Method they could take, for bringing the Authors of ſuch Oppreſſions or Malverſations to Juſtice.

'But if they ſhould ſucceed in this, they might from thence conceive ſome Hopes; and the People would look upon it as a preparatory Step for relieving them from all their Grievances: They would then begin to put a Truſt and Confidence in their Parliament, and would wait with Patience for that Relief, which they ſaw their Parliament was about to give them; for there is no Example in our Hiſtories, of our People's ever endeavouring to take Vengeance, or to do themſelves Juſtice, in a riotous and tumultuous Manner, as long as they have any Hopes of obtaining it in a legal or Parliamentary Method. Therefore, if ever this Nation ſhould happen to fall into ſuch unfortunate Circumſtances, as have been ſuppoſed, a Reduction of the Army would be the moſt proper Method the Parliament could take, for preventing Mobs, Tumults, or Inſurrections among the People; and it would be the only Method, by which the Parliament, or at leaſt the People's Friends in Parliament, could hope for Succeſs in their generous Deſign of relieving their Country.

'Thus, Sir, I think I have ſhewn, that none of the Arguments made uſe of for our keeping up the ſame Number of Forces for this enſuing Year, are ſuch as can be of any Weight, and that if they were now of any Weight, they are ſuch as not only muſt have always the ſame Weight, but muſt every Year acquire an additional Weight: Therefore, with Mr. Trenchard, who has been already mentioned in this Debate, I muſt conclude, that thoſe who make uſe of ſuch Arguments, for keeping up ſuch an Army for one Year only, are really in their Hearts for keeping up ſuch an Army *in Secula Seculorum*; and to make us ſwallow this bitter Pill the more glibly, we are told, why would you make a Reduction in your Army? The few additional Troops you propoſe to reduce, coſt the Nation but a mere Trifle yearly: You will ſave but 216,000 l. a Year by the Reduction propoſed; which can make no extraordinary Figure in the

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the publick Accounts of this Nation. What Figure ſuch a Saving may make in that Gentleman's Eyes, I do not know, Sir; but a Saving of 216,000 l. will, I am ſure, make a very conſiderable Figure in the Eyes of every Gentleman, who is not accuſtomed to deal in Millions. Even this Saving alone for twenty Years paſt, would have paid off above ſix Millions of publick Debt; for an Annuity of 216,000 l. at Four *per Cent.* compound Intereſt, amounts in twenty Years to near 6,500,000 l. and notwithſtanding the great Debt we owe, I muſt think that a Payment of 6,500,000 l. would make no inconſiderable Figure, when compared with the Sum Total of our publick Debts. But this is not all; for if we had reduced our Army twenty Years ſince to twelve thouſand Men, we might long before now have reduced them to a much leſs Number; for the Nature of a Standing Army is ſuch, that the more you reduce it, the more you may, and the more you increaſe it, the greater Reaſon will you always have to increaſe it.

'Every one knows, Sir, how our Parliamentary Armies have increaſed, ſince the Year 1697, which was the firſt Time ſuch a Thing was introduced by Conſent of Parliament. It was then aſked but for one Year, but the Nation has never ſince been able to get rid of it, and it has vaſtly increaſed ſince that Time. I doubt much if it is yet come to its full Growth; for I do not know but that twenty Years hence, or under ſome future Adminiſtration, I may ſee a Standing Army of thirty thouſand thought as neceſſary, and agreed to by Parliament as unanimouſly, as an Army of eighteen thouſand is now. Even this very Year, though no Addition has been made to our Troops here in Britain, yet an Addition of one Regiment is, I hear, to be made, or has already been made, to our Troops in the Plantations. I do not ſay, Sir, but that it was neceſſary to ſend ſome additional Troops to that Country. I wiſh moſt of the Troops we now have in Great Britain were always kept there. In that Country they might ſometimes be uſeful, and could never be dangerous to their native Country; and the honourable Gentleman, who is to have the Command of the Troops to be ſent thither, will, I am ſure, make the beſt Uſe of them upon any Occaſion that ſhall offer; but I think there was no Neceſſity for raiſing a new Regiment for that Purpoſe; I think one of the Regiments we have at home might have been ſent thither; I am ſure we could have ſpared half a Dozen. This new Regiment is a new Addition to the annual Charge of the Nation, I reckon, of near 10,000 l. if not more, as will appear by comparing the Eſtimate of the Charge of his Majeſty's Forces in the Plantations, Minorca, and Gibraltar, for this next enſuing Year, with

Anno 11 Geo. I. Reaſon to ſuppoſe the Accuſation falſe, and that the tr
Caſe of ſuch an Accuſation's being brought againſt h
was, his having done his Duty, or his having refuſed to
what he thought was inconſiſtent with his Honour. If ſu
Practices have been lately introduced, I muſt think th
thoſe who have introduced them, have begun to garble t
Army; and therefore, even according to the Opinion
thoſe Gentlemen who have argued againſt this Queſtion,
is now high Time for the Parliament to think of reducin
the Army; for if the firſt Seſſion of Parliament after ſu
Practices have been introduced, ſhould paſs them over wit
out Notice, it may probably be put out of the next, or an
future Seſſion, to take the leaſt Notice of them, or to pr
vent the fatal Effects of them by a Reduction.'

The next that ſpoke was Sir Thomas Sanderſon, who
Speech was to this Effect, viz.

Sir,

Sir T. Sanderſon. 'I ſeldom give this Houſe the Trouble of hearing what
can ſay upon any Queſtion that happens to be before them
but ſometimes the Spirit moves, and then I muſt out wit
it. However, tho' I am at preſent moved by a Sort o
Spirit, yet I cannot pretend it is a Spirit of Prophecy
I cannot pretend to tell what will happen twenty Yea
hence, or under any future Adminiſtration: I hav
not ſo much Foreſight; nor have I ſo ſharp an Eye toward
any future Adminiſtration, as ſome Gentlemen ſeem to hav
who have ſpoke before me in this Debate. Whether an
future Adminiſtration will think a greater Number of regula
Troops neceſſary than we have at preſent, is what I ſha
not pretend to determine; but this I may venture to forete
that no future Adminiſtration will think a leſs Number ne
ceſſary; and if I live to ſee a new Adminiſtration, I ma
happen to ſee ſome of thoſe Gentlemen, who have this Da
argued ſo ſtrenuouſly againſt the preſent Number, the
arguing as ſtrenuouſly for keeping up a greater Number

'Thoſe who call themſelves Whigs, are, indeed, th
only Perſons who can, with any Confidence, argue againſt
Standing Army; for if any noted Tory, or ſuſpected Jaco
bite, ſhould argue againſt our keeping up a few regula
Troops by Authority of Parliament, it would be eaſy to an
ſwer him. Every Man would compare him to the fat Man
who muttered and complained againſt the Crowd, which h
himſelf was the principal Cauſe of; but I wiſh thoſe Whig
who now argue againſt a Standing Army, would conſide
what they have been, or what they may be. If the Jour
nals of this Houſe had been exactly taken, and religiouſly
preſerved, I do not know but it might have been found, tha
ſome of them are now making uſe of the Arguments, whic
the

they themſelves have formerly with great Strength of Reaſon refuted; and others may, for what they know, be laying themſelves under very great Difficulties; for they may perhaps be now laying a Foundation for bringing their own Authority againſt their future Opinion. 'Tis true, a Man may change his Opinion; but whatever Cauſe he may find from a Change in his own Circumſtances, he may perhaps find it hard to give a Reaſon for changing his Opinion from any Change in the Nature of Things, or in the Circumſtances of the Nation; and no Man will then chuſe, I believe, to ſay, that he is now for a ſtanding Army, becauſe he is a Miniſter, and was formerly againſt it becauſe he was not.

'But, Sir, of all thoſe who have this Day declared themſelves againſt a Standing Army, I am ſurprized at thoſe who are called by the Patriots, Placemen. I know they call us ſo by Way of Contempt; but whatever they think, I ſhall never be aſhamed of ſerving my Country, in any Poſt the Crown pleaſes to put me in, nor can I look upon it as a Diſcredit to have an Honour conferred upon me, by what even the Patriots themſelves muſt allow to be the only Fountain of Honour in this Nation. I am convinced all Placemen are of my Opinion, and I am ſurprized to hear any Placemen arguing in favour of a Reduction of the Army; for we, who have Commiſſions in the Army, muſt be allowed to be Placemen as well as others; and if the Spirit of reducing ſhould prevail, with Reſpect to military Placemen, our civil Placemen would do well to look to themſelves, for many of our civil Poſts may be thought as dangerous and as uſeleſs as moſt of our military: Nay, I do not know but this Spirit may at laſt attack our eſtabliſhed Church, by reducing all the uſeleſs eccleſiaſtical Poſts in the Kingdom; in which Caſe I do not know but it might with ſome Reaſon be ſaid, the Church is in Danger. It is commonly ſaid, that two of a Trade can never agree; and yet we find it is natural for all thoſe of a Trade to unite together, and to form a Sort of Society for their mutual Support; I think we Placemen ought to do the ſame: Tho' we ſometimes fall out about which of us ſhall have the better Place; yet when the Places themſelves are attack'd, we ought to unite together for ſupporting the Craft.

'I have been long converſant among Soldiers, Sir, and I muſt ſay, I could never find they were leſs reaſonable Creatures, or more fond of arbitrary Power, than other Men; therefore, I muſt preſume, that they will always be as zealous for ſupporting our Conſtitution as any other Set of Men in the Kingdom; and, I cannot think a Man's receiving Pay as a Soldier, will make him leſs zealous than he would be if he were to receive none. Therefore, I can never think

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our Conſtitution will be in any Danger from a regular Army of our own Subjects; and thoſe who ſtand the Brunt while their Country is in Danger, certainly deſerve ſome Reward after the Danger has been repelled, and Peace reſtored to their Country, by their Means; for I hope it will not be ſaid, that the Pay a Soldier receives while the War continues, is to be looked on as a Reward for his Services; it is given only as a Subſiſtence; his Reward he muſt expect from the Gratitude of his Country, if he lives to ſee an End of the War. In Kingdoms or States that have but ſmall Territories, their Wars ſeldom laſt long, nor have their Armies far to march, ſo that they can eaſily ſend out one Army, or one Body of Men, to relieve another; therefore, their whole People march out by Turns, and every Man of the Society has his proportionable Share of the Fatigue and Danger of the War; for this Reaſon, no Man can expect any extraordinary Reward, becauſe no Man performs any extraordinary Service; but when the Dominions of a Kingdom or State become extenſive, their Wars laſt long, and are at ſuch a Diſtance, that one Army cannot be ſent out to relieve another; one Part of the Society, or one certain Body of Men, are therefore employed to carry on the War, while moſt of the reſt, even during the War, enjoy all the Bleſſings of Peace; for this Reaſon it is but juſt, that thoſe who are employed as Soldiers, ſhould be ſubſiſted during the War, and that, after Peace is reſtored, they ſhould receive ſome Reward, for the extraordinary Services they have performed. This has always made, and always will make, Standing Armies neceſſary, in all States or Kingdoms, whoſe Dominions are extenſive. Therefore, to turn all Soldiers adrift, as ſoon as by their Valour they have reſtored Peace to their Country, would, in my Opinion, be unjuſt, and, I think, I may ſay, the Height of Ingratitude. It would verify a little Epigram I have heard, which I ſhall not repeat, becauſe ſome Gentlemen might think it irreligious; but the Purport of it is, That our Behaviour towards a Soldier, is the ſame with that which is too often our Behaviour towards God: They are both forgotten, as ſoon as the Danger is over.'

After him, William Pitt Eſq; ſpoke in Subſtance as follows, viz.

Sir,

William Pitt Eſq;

'If the Queſtion now before us were not an Affair of too ſerious a Nature, it would be extreamly eaſy to be witty upon it, eſpecially, as the honourable Gentleman who ſpoke laſt has given us ſo good a Handle; but, I muſt confeſs, it ſeems to me of ſo much Importance with Reſpect to our Conſtitution, and the Happineſs of our Country, that I cannot, and I think no Gentlman ought to make himſelf merry upo

upon ſuch an Occaſion; for tho' the Preſervation of our Conſtitution were no Way concerned, yet the Loading of of our People with an additional Expence of 2 or 300,000 *l.* is, in my Opinion, an Affair of too affecting a Nature to be treated in a ludicrous Manner. Anno 11 Geo. II. 1737-8.

'As to what the Honourable Gentleman has been pleaſed to ſay about thoſe he calls Placemen, I ſhall agree that, if they were to be directed in their Opinions by the Places they poſſeſs, they might perhaps unite for the Support of one another, againſt the common Good of the Society; but I hope none of them are under any ſuch Direction; I am ſure the Honourable Gentleman himſelf is not, and therefore I am convinced he is not ſerious, when he talks of being ſurprized at any Placeman's declaring for a Reduction of our Army; for, of all Men, thoſe who enjoy any Places of Profit under our Government, ought to be the moſt cautious of loading the People with any unneceſſary Tax or Expence; becauſe, as the Place they poſſeſs generally brings them in more than their Share of all our Taxes can amount to, it may be properly ſaid, that by conſenting to any Article of publick Expence, they lay a Load upon others which they themſelves bear no Share of.

'I muſt look upon myſelf, Sir, as a Placeman, as well as the honourable Gentleman who ſpoke laſt: I am in the Service of one of the Branches of the Royal Family, and think it my Honour to be ſo; but I ſhould not think it, if I were not as free to give my Opinion upon any Queſtion that happens in this Houſe, as I was before I had any ſuch Place; and, I believe, from the Behaviour of Gentlemen, upon this very Occaſion, it will appear, that all thoſe who are in the ſame Service with me, are in the ſame State of Freedom; becauſe I believe, they will, upon the Queſtion now before us, appear to be of different Opinions, But, there is another Set of Placemen, whoſe Behaviour ſurprizes me not a little; becauſe, upon every Queſtion that occurs relating to publick Affairs, they are always unanimous; and I confeſs, it is to me a little aſtoniſhing, that 2 or 300 Gentlemen ſhould, by an unaccountable Sort of Unanimity, always agree in Opinion upon the many different Sorts of Queſtions that occur yearly, and that not for one, but for ſeveral Years together. I am convinced this ſurprizing Unanimity does not proceed from any Effect of the Places they have under the Crown; for if it did, a Man's being poſſeſſed of any Place under the Crown, would, in ſuch a Caſe, I am ſure, be an infallible Reaſon for the People not to truſt him with the Preſervation of their Liberties, or the Diſpenſation of their Properties in Parliament.

'Then, Sir, as to the Tories and ſuſpected Jacobites, I am ſurprized to hear any Compariſon made between them

our Conſtitution with ... there are ſo few of either of our own ... can give no Man an Occaſion ... and therefore there is not the Cou... ...ying, they are the Occaſion the ... keep up ſuch a numerous Standing ... moved, or rather thoſe who have been ... our keeping up ſuch a numerous Standing ... be compared to the fat Man in the ... keeping up of ſuch an Army is the chief ... our Diſcontents, and thoſe Diſcontents are now, we ... make the chief Pretence for keeping up ſuch a numerous Army. Remove therefore but the Army, or a conſiderable Part of it, and the Crowd, or the Diſcontents you complain of will ceaſe. The Conſequences, 'tis true, may be fatal to ſome of thoſe, who have been the Cauſes of loading the Nation ſo long with ſuch an unneceſſary Expence; but no honeſt Man, I am ſure, will think that their Safety is to be put in the Balance, with the Stisfaction of the People, and the Safety of the Nation.

'I come now, Sir, to the only Argument the honourable Gentleman made Uſe of, which can admit of a ſerious Conſideration; and if our Army were entirely, or but generally, compoſed of old Veterans, inured to the Fatigues and the Dangers of War, and ſuch as had often ventured their Lives againſt the Enemies of their Country, I confeſs the Argument would have a great deal of Weight; but conſidering the Circumſtances of our preſent Army, I can hardly think my Honourable Friend was ſerious, when he made Uſe of ſuch an Argument. As for the Officers of the Army, they are quite out of the Queſtion; for in Caſe of a Reduction, there is a handſome Proviſion for every one of them: No Man can doubt, nor would any Man oppoſe, their being all put upon half Pay; and I muſt obſerve that our half Pay is better, or as good as full Pay, I believe, in any other Country of Europe; for in the Method our Army is now kept up, I could ſhew by Calculation, that it coſts the Nation more than would maintain three Times the Number of Men, either in France or Germany. And as for the Soldiers, I believe it may be ſaid of at leaſt three fourths of them, that they never underwent any Fatigue except that of a Review, nor were ever expoſed to any Danger except in apprehending Smugglers or diſperſing Mobs; therefore I muſt think they have no Claim for any greater Reward than the Pay they have already received, nor ſhould I think we were guilty of the leaſt Ingratitude, if they were all turned adrift to-morrow Morning.

'But ſuppoſe, Sir, the Soldiers of our Army were all ſuch as had ſerved a Campaign or two againſt a publick Ene-

my

my; is it from hence to be inferred, that they muſt for ever after live idly, and be maintained at the Expence of their Country, and that, in ſuch a Manner, as to be dangerous to the Liberties of their Country? At this Rate, if a Man has but once ventured his Life in the Service of his Country, he muſt for ever after be not only a Burden, but a Terror to his Country. This, Sir, would be a Sort of Reward, which I am ſure no brave Soldier would accept of, nor any honeſt one deſire. That we ſhould ſhew a proper Gratitude to thoſe who have ventured their Lives in the Service of their Country, is what I ſhall readily acknowlege; but this Gratitude ought to be ſhewn in ſuch a Way, as not to be dangerous to the Liberties, nor too burdenſome to the People of our Country; and therefore, after a War is at an End, if a Soldier can provide for himſelf, either by his Labour, or by means of his own private Fortune, he ought not to expect, and, if he is not of a mercenary Diſpoſition, he will ſcorn to receive, any other Reward, than that which conſiſts in the peculiar Honours and Privileges that may and ought to be conferred upon him, by the eſtabliſhed Laws of his Country.

'That we ought to ſhew a proper Gratitude, that we ought to give a proper Regard to every Man, who has ventured his Life in the Cauſe of his Country, is what I am ſure no Gentleman will deny: But when I have ſaid this, Sir, I cannot help obſerving how defective our Laws and Cuſtoms are in this Reſpect. Is not this an unanſwerable Argument for eſtabliſhing this Gratitude, and aſcertaining this Reward, by a publick Law? Yet as the Laws now ſtand, an old Officer, a Man who has often ventured his Life, and often ſpilt his Blood, in the Service of his Country, may be diſmiſſed, and reduced, perhaps, to a ſtarving Condition, at the arbitrary Will and Pleaſure, perhaps at the Whim of a favourite Miniſter; ſo that by the preſent Eſtabliſhment of our Army, the Reward of a Soldier ſeems not to depend upon the Services done to his Country, but upon the Services he does to thoſe who happen to be the favourite Miniſters at the Time. Muſt not this, Sir, be allowed to be a Defect in the preſent Eſtabliſhment of our Army? And yet when a Law was propoſed for removing this Defect, we may remember what Reception it met with, even from thoſe who now inſiſt ſo highly upon the Gratitude we ought to ſhew to the Gentlemen of our Army.

The Queſtion being put the Motion was rejected: Noes 249, Yeas 164. So the Reſolution was agreed to.

February, 16. My Lord Sundon acquainted the Houſe, that he had a Petition in his Hand from the Dean and Chapter of Weſtminſter. Upon which he opened the Nature of the Petition,

Lord Sundon.

Anno 11 Geo. II. 1737-38.

tition, and Sir Robert Walpole, by his Majeſty's Command, acquainted the Houſe, that his Majeſty being inform'd of the Contents of the ſaid Petition, recommended it to their Conſideration.

Sir Robert Walpole.

Then the ſaid Petition was brought up and read, ſetting forth that ſaid Collegiate Church came into the Hands of the firſt Dean and Chapter unfiniſhed, and by Length of Time and Badneſs of the Materials, became ſo ruinous, that in the eighth and ninth of William III. in Regard to its being of antient and Royal Foundation, an annual Sum for a certain Term of Years, was granted by Parliament for repairing the ſame, under the Direction of the Chancellor of the Exchequer, the Lord Chief Juſtice of the King's-Bench, and the Dean of Weſtminſter, who were appointed Commiſſioners for that Purpoſe: And that by an Act paſſed in the ninth of Queen Anne, a Sum of four thouſand Pounds per Annum for a certain Term of Years was granted to the ſaid Commiſſioners, towards repairing and finiſhing the ſaid Collegiate Church and the Chapels of the ſame; and that in Order to the finiſhing it, as directed by Parliament, Sir Chriſtopher Wren, then the Surveyor, form'd the Deſign of erecting a Spire in the middle Tower, a Model of which he then prepared, and a Draught of which with the reſt of the intended Building, was laid before this Houſe, the laſt Seſſion of Paliament; and that by Acts paſſed in the 6th, 7th, 8th, and 10th, of his preſent Majeſty, the ſeveral Sums of four thouſand Pounds each Year, have been iſſued and applied towards carrying on the ſaid Works: And an Account how the ſame has been expended, has been annually laid before this Houſe, and that all the Monies granted as aforeſaid being expended, the ſaid Works are now at a Stand, which the Petitioners ſubmit to the Conſideration of this Houſe, acknowledging the Favours already conferred on the ſaid Collegiate Church, as well by the preſent as by former Parliaments, and praying for the Continuance thereof.

After which Lord Sundon mov'd, that the ſaid Petition be referred to the Conſideration of the Committee of the whole Houſe, to whom it was referred to conſider further of the Supply granted to his Majeſty. He was ſeconded by Sir William Yonge, and then Sir Thomas Aſton ſpoke to the following Effect:

Sir Wm. Yonge.

Sir,

Sir Thomas Aſton.

'I remember a Story that was told of a great Favourite of King Charles the Second. This Gentleman, who was a true Cavalier, fought for the Father, and was baniſhed with the Son, whom he attended all the Time of his Exile. Upon the Reſtoration of the Royal Family he ſtill continued to follow his Maſter's Fortune, but never minded his own; 'till his continual Attendance at Court, his giving

not

Gentleman was ſoliciting a Poſt for one of his Friends, him, "Sir, ſays he, you have been a very faithful a very conſtant Servant to me; I have had great Satiſ- ion in your Company without your being a Shilling the er for me, though I am perſuaded your Eſtate has ſuf- d conſiderably in my Service. As you are a Man of ſe, and fit for Buſineſs, why do not you ask ſomething yourſelf?" The Gentleman made no other Return Majeſty at that Time but a profound Acknow- ent of the Honour he had received, by his Majeſty's be- mindful of him; but ſome Time after, being all alone he King; Pray, Sir, ſays he to his Majeſty, be ſo good end me half a Crown. Half a Crown! anſwers the what do you mean? if you have Occaſion for a larger you may have it.—No, no, replies the Gentleman, all Piece does very well to begin with; for I have bſerved, that once put you in the Way of giving, it to keep you in it, and then you do not care how you give.

'hough this Story, Sir, eſpecially as to the Modeſty of titioner, may not in every Reſpect be parallel to ſe now before us; yet I think there is ſomething giving Humour of the Monarch pretty applicable Conduct on former Occaſions of this Nature. The Sir, that was originally asked for, and granted, for ſes mentioned in this Petition, could have made no Figure in the publick Accounts, had we ſtopt there; Accumulation of that Sum, Sir, from time to time, ed when we were in the giving Humour, would make, k, no deſpicable Article, if applied towards the Diſ-

...e Clergy. I do not ſpeak this as if they were capable o
misapplying any Part of it; but merely from my having ſ
great a Reſpect for that venerable Body, that I am unwilling
they ſhould be burdened with any other Cares beſides thoſ
of their Function, which are many and weighty. I am
therefore, Sir, ſurpriſed that the honourable Perſon who
brought up the Petition, ſhould appear ſo preſſing for us to
grant it; ſince it is certain we cannot do it without putting
theſe good Men to very great Trouble. The Overſeeing of
a Work, Sir, that coſts four thouſand Pounds every Year,
takes up no ſmall Part of a Man's Time; and though ſome
Laymen are joined in the Commiſſion for managing this
Bounty, yet we know the Fatigue of it is intirely left to the
Reverend Clergy. Now, Sir, this is an Injuſtice done not
only to them but to the Laity alſo, who muſt ſuffer greatly
by their ſpiritual Guides having ſo many Avocations from
the Duties of their Functions; beſides, Sir, we are to con-
ſider, that the Way of Life in which theſe Reverend Perſons
have been educated, gives them no Opportunity of knowing the
Prices and Materials of Working Men, or of forming a right
Judgment upon the Sufficiency of their Work; both which
are very neceſſary Qualifications in the Overſeers of a Buſineſs
of this Nature: So that I dare ſay, Sir, the Reverend Gen-
tlemen will think themſelves highly obliged to this Houſe if
we ſhould eaſe them of that Trouble; and this upon a double
Account. Firſt, as they will have more Leiſure for looking
after their ſpiritual Concerns, which, to ſuch diſintereſted
good Men as they are, is a moſt invaluable Bleſſing; and
ſecondly, as we can put the Inſpection of the Work into
Hands who will take care to have it done to the beſt Advan-
tage, and at the leaſt Expence. Therefore, Sir, I am for
letting this Petition lie upon the Table till a Lay Commiſſion
for overſeeing the Execution of the Work is made out.

Sir Robert Walpole ſaid next:

Sir,

Sir R. Walpole. I am intirely of the honourable Gentleman's Mind who
ſpoke firſt, in thinking that more Money has been expended
upon the Deſire of this Petition than perhaps the Parliament
expected when they made the firſt Grant for this Purpoſe.
But that, Sir, is the very Reaſon, why, in my Opinion, we
ought to agree to the Petition; for it would be very abſurd
in us, after the great Expence the Nation has been at on this
Account, if we ſhould leave the Work unfiniſhed to ſave a
trifling Sum. The Reaſons that induced the Parliament at firſt,
Sir, to promote and encourage the Deſign of repairing and finiſh-
ing this Church, were ſuch as were worthy ſo auguſt a Body.
Should we let the Church where the Bodies of our greateſt
Princes are depoſited, and which lately received the Remains

of a Princeſs whoſe Memory muſt be ever dear to Britain, be the only Church in the whole Kingdom not properly provided for, we ſhould juſtly expoſe ourſelves to the Cenſure of the reſt of Europe, and of every Stranger who viſits us. The Expence therefore which the Deſire of this Petition requires, is an Expence we ought to be at for own Honour, for the Honour of the Nation, and let me add, for the Honour of the Royal Family. Theſe, and no other, are the Motives, Sir, that incline me to give my Vote for our granting the Petition, and I am perſuaded Gentlemen will eaſily concur, when they compare the Reaſonableneſs of the Thing to the Smallneſs of the Expence.

'As to what was urged by the honourable Gentlemen who ſpoke laſt, in that the Inſpection of the Work ought to be committed to Laymen, I *ſeriouſly* own that I was once of his Opinion, and I remember one Year that the Experiment was actually made. But at the ſame Time I remember, that when the Accounts were examined, and the Work ſurveyed, it was found that we neither had managed ſo frugally, nor was the Work ſo well executed, as when it was under the Inſpection of the Clergy. Beſides that, Sir, the Commiſſioners being Men who had a great deal of other Buſineſs to mind, ſeldom thought it worth their while to meet, and to concert Meaſures for the more effectual carrying on this Work, which by theſe Means was neglected, and it muſt ſtill ſuffer if we ſhall put it under the Inſpection of Laymen intirely. For, Sir, though we ſhould ſuppoſe that they had it at Heart to carry the Work on in the moſt frugal Manner; yet every one will truſt to another, till the whole is neglected. But, Sir, when we leave the Commiſſion in the Hands of the Clergy, they think it their Duty, they make it their Buſineſs, they take a Pleaſure, I may ſay, a Pride, in ſeeing it carried on to the beſt Advantage. As to the honourable Gentleman's Fears of its being too great a Burden, to thoſe Reverend Gentlemen, if they do not eſteem it ſuch, I ſee no Reaſon that we ſhould. The Clergy is very ſeldom oppreſſed without complaining; and I dare ſay we never ſhould have been troubled with the Petition, if our granting it muſt be attended with any Inconvenience to the Petitioners. We are to conſider, Sir, that the Situation of the Clergy who attend this Church, is different from that of thoſe who have the Charge of whole Pariſhes on their Hands; the Petitioners have Time and Leiſure enough to ſpare; and give me Leave to ſay, Sir, it is a Part of their Office to take all the care they can both of the Reparations and the Additions which are made to that Church by which they live. Therefore, Sir, I am for referring the Petition to the Committee of Supply, and for making no Alteration in the Commiſſion.'

Anno 11 Geo. II. 1737-8.

George Heathcote, Eſq;

George Heathcote, Eſq; ſpoke next as follows:

Sir,

'I don't think that in the preſent State of our publick Credit, and while the People are already overwhelmed with Taxes, that we ought to agree to the giving away one Shilling of their Money on any Occaſion but where it is abſolutely neceſſary. The Sum required of us by the Petition, is not indeed a very large one; but ſmall as it is, we are to conſider that it comes out of the People's Pockets, and the Purpoſes for which it is granted can be of very little, if any Benefit to them. I cannot pretend to account for the Motives that induced the Parliament to lay out ſo much of the publick Money in adorning and repairing a Church; but whatever theſe Motives were, I think they ought to have no Influence with us, becauſe in thoſe Days, Sir, the People could bear to ſave a little Money on an Occaſion of this Kind, their Taxes being neither ſo heavy, nor their Debts ſo large, as they are now. The right honourable Gentleman who ſpoke laſt, gave indeed one Reaſon, which he ſuppoſed influenced the Parliament on this Occaſion; and that was, becauſe many of our Kings lie buried in that Church. This Reaſon, Sir, would have come with a better Grace from that right honourable Gentleman, could he have added at the ſame Time, that all the Kings there interred were Friends to the Liberties of the People.

'Beſides, Sir, I don't like theſe annual Petitions; they look ſomewhat like annual Bills. By indulging the Petitioners from Year to Year, they may at laſt come to claim it as a Kind of Right, and never give it over. Let Gentlemen conſider, Sir, how eaſy it is for them to prepare a Model of new Additions to this Church, under Pretence that they are neceſſary, and that we cannot do too much for adorning and repairing ſuch an auguſt royal Fabrick. The Reaſons, Sir, for our granting the Deſire of this Petition would then be juſt as good thirty Years hence as they are now; and according to the right honourable Gentleman's Way of Reaſoning who ſpoke laſt, much better; for it ſeems the more we grant, the leſs we ought to refuſe. Therefore, Sir, I ſhould have been much better pleaſed, and ſhould have thought it a much fairer Way of Proceeding, had the Petitioners, inſtead of asking the annual Bounty of four thouſand Pounds, petitioned at once for as much as, in the Opinion of competent Judges, will be ſufficient to compleat the Work according to the preſent Model. This, Sir, would have been a fair Way of acting; we ſhould have then known what we were about, and we could have granted it in what Proportions and at what Times we found moſt convenient: Whereas, what we do now is in the dark;

[illegible]

Sir,

'With [illegible] Building, [illegible] ever, Sir, [illegible] made [illegible] cost. [illegible] hope, Sir, [illegible] great Burden on the People.'

Joseph Danvers, Esq; spoke next as follows:

Sir,

'The Business of half my Life has been to pull down and build up an old House, and had I known how much it would have cost me when I first began to build and repair it, it should have gone to Ruin before I had spent a Shilling on it. So that, Sir, I entirely agree with the noble Lord who spoke last, in thinking it impracticable to determine the exact Sum that this Work may require. Had I, Sir, foreseen that the Repairs of this old House of mine would have cost me more Money than the building a new one, does any Gentleman imagine that I would not rather have set about the one than the other? Therefore, Sir, I think it is of no Consequence to us to have any Estimate laid before us, because it is impossible we can have a just one; and while we grant the Petition from Year to Year, the Managers will be the better Husbands of what Money comes to their Hands, and the Work will be carried on to more Advantage, in order to encourage us to grant more.'

Mr.

Anno 11 Geo. II. 1737-38.

Mr. Wynn ſpoke next to the following Effect:

Sir,

Mr. Wynn: ‘ I am for letting the Petition lie upon the Table, and for doing nothing in the Affair this Year, were it for no other Reaſon but to put the Petitioners in Mind, that we may grant or refuſe this Money juſt as we pleaſe. For, Sir, if this Bill ſhould paſs in courſe every Seſſion, the Reverend Petitioners may claim that as a Right which is now only an Indulgence.’

Sir Wiliam Yonge replied to this as follows:

Sir,

Sir William Yonge: ‘ I believe, Sir, that there is no civilized Nation in the World, that does not look upon the repairing and improving thoſe Works which their Anceſtors or their Princes left as Monuments, either of their Piety or their Grandeur, to be a publick Concern. Former Parliaments, Sir, in this Nation, ſeem to have been of Opinion that no Work more deſerved the Regard of the Publick than Weſtminſter-Abbey, which I look upon to be the fineſt Thing in this Nation; and it would give Foreigners a very odd Notion of our Politeneſs, and of our Gratitude to the Memory of our Princes, if we ſhould let it ſtand in its preſent Condition, eſpecially as ſo ſmall a Sum is required to finiſh it. For, Sir, I dare ſay the noble Lord was right in his Conjecture, that it will not require above thirteen or fourteen thouſand Pounds more; and when it is compleated, I will be bold to affirm, that it will excel any thing of its Kind in Europe. Gentlemen may remember what an Expence the Nation was put to by our voting fifty new Churches to be built. But, Sir, in my Opinion, it is as worthy the Dignity of this Houſe to preſerve and adorn this old Church, as it was to build fifty new ones. Give me leave likewiſe to ſay, Sir, that this Petition would not have met with half the Oppoſition it has, had it been offered for the Reparation of any Building but a Church.

‘ As to the Fears the honourable Gentleman who ſpoke laſt is under, leſt the Petitioners ſhould claim that in Time as a Right which is now only an Indulgence, I think the Parliament fully anſwered that Objection two or three Years ago; for I remember, Sir, that when this Petition was preſented, the Parliament thought fit to reject it. Another honourable Gentleman ſeemed to apprehend that further Additions would be made to the Fabrick, and ſuch as might involve us in unforeſeen Expences. We have all, Sir, ſeen the Model of the Building that is deſign'd, and we can never imagine that the Reverend Overſeers of the Work will make any Additions to that Model, without the Approbation

of

ſ this Houſe. And if no Additions are made to the Model, I ſee no Reaſon for our apprehending that we ſhall be put to any extraordinary Expence. The Money that has already been granted for this Effect, has been duly accounted for by the Petitioners, and I never have yet heard that any Objections were made to their Accounts; on the contrary, I have heard it often affirmed, that the Money that has been granted was managed in the moſt frugal Manner, and to the beſt Advantage. When we find that it is not ſo, it will be time enough then to put the Management of the Work into other Hands, or to withdraw our Bounty entirely. Theſe Conſiderations, Sir, are, I think, more than ſufficient to determine us to come to a Reſolution upon the Motion made by the noble Lord who brought up the Petition; but there is another Conſideration that I hope will always have its Weight with this Houſe, and that, Sir, is, his Majeſty's Recommendation. I think, Sir, it will be treating his Majeſty with Diſreſpect, if we ſhould have no Regard to his Recommendation in an Affair that can coſt us ſo very little, and which, tho' it did not come ſo ſtrongly recommended, is in itſelf ſo highly reaſonable.'

The Petition referred to a Committee.

No Reply being made to this, the Queſtion was put, If the Petition ſhould be referred to the Conſideration of the Committee of the whole Houſe, to whom it is referred to conſider further of the Supply granted to his Majeſty? A Diviſion followed, and the Queſtion paſs'd in the Affirmative.

On a Diviſion, Yeas 174. Noes 61.

Immediately after this Queſtion was over, before the Houſe proceeded on any other Buſineſs, George Heathcote Eſq; ſpoke as follows:

Sir,

Alderman Heathcote moves for an Eſtimate of the Revenues of the Dean and Chapter of Weſtminſter.

'As I think that on all Hands it has been agreed that it is the Intereſt of the Reverend Petitioners that Weſtminſter-Abbey ſhould be finiſh'd and repaired according to the Draught of the Model laid before this Houſe laſt Seſſion, and as very great Encomiums have been made upon their Integrity as well as good Management, I think it would be very proper for us to enquire whether or not ſome Part of the Revenues annex'd by the Royal Founders to the Abbey, have not been allotted for the Expences of the Fabrick. This, in my Opinion, will have a very good Effect. Firſt, it will give us an Opportunity of doing Juſtice to the Integrity of the Reverend Petitioners. Secondly, it will be of great Uſe to Gentlemen when this Affair comes to be ſettled in the Committee. Beſides, Sir, tho' it ſhould appear from the Enquiry that no ſuch Allotment has been made, I think Gentlemen ought to make themſelves Judges how far it is reaſonable, that ſome Part of the large Revenues enjoyed

by

[illegible] Revenues of the Church [illegible] ought to be set apart for that Purpose. [illegible] proper, especially [illegible] besides [illegible] but that it will appear in the Course of the [illegible], that many of the Clergy have [illegible] their own Revenues upon the [illegible] of the Fabrick. Therefore [illegible] That the Dean and Chapter of Westminster [illegible] of the Revenues belonging to the [illegible], distinguishing the several Appropriations.

Sir Robert Walpole's Answer to this was as follows:

Sir R. Walpole. I own this is the most extraordinary Motion I ever heard in this House. I should be glad to know how the hon. Gentleman would [illegible] if he should be required to lay before this House a particular Inventory of his own Estate, that he may receive Directions from the House in what Manner he is to apply it. I believe the hon. Gentleman would think it a very unjustifiable Way of Proceeding; and give me Leave to say, Sir, that if such a Proceeding is unjustifiable in Cases of private Property, it is much more so where a Body of Men upon a Foundation, and a Royal Foundation too, is concerned. Nor can I see, Sir, how we can agree to this Motion without violating all the Rules of common Justice, and shaking the Foundations of all Property. Besides, Sir, the honourable Gentleman does not reflect, that we are no Court of Record, and therefore cannot oblige the Petitioners to exhibit their Rights to these Possessions before us. So that it is not really in our Power to come to any Resolution upon this Motion. And Sir, should we make a Stretch in this Case, I should be very sorry to sit in this House while we came to a Resolution, that might give the World Reason to think, that we design'd to carry our Power farther than our Justice. There may, indeed, some particular Cases come before us, in which it is necessary, that one of the Parties explain or prove his Right of Possession; but this, tho' it seldom happens, is always done voluntarily by that Party, that the House may more clearly comprehend this Case. And, Sir, I believe the hon. Gentleman cannot find one Precedent where this House obliged a Party to submit to our Judgment, or the Papers and Securities by which he or they enjoy their Estates or Income. We have no Reason to doubt, Sir, that the Clergy have as good a Right by Law to what they enjoy as any of us have to our private Estates: Nor do I think that either Justice or Reason oblige them to lay out any Part of their Income upon repairing the Church, or upon these Alterations or Additions. As for their living by the Church, all

all the Clergy throughout the Kingdom live by their Churches; yet, Sir, that is no Reaſon that each of them ſhould be at the Expence of repairing his reſpective Church. So that, I hope, Sir, when Gentlemen conſider the Conſequence of this Motion, they will let it drop. I dare ſay, no Gentlemen ſuſpects that I oppoſe it from any other Motives than the Principles of common Equity, which are always agreeable to the Maxims of good Policy. There was, indeed, a Time, when this Houſe, and the Legiſlature in general, had Reaſon to be jealous of every Conceſſion in favour of the Clergy; but, Sir, that Set of Clergy is almoſt extinct, and the Principles and Actions which once gave us very good Grounds for ſuch a Jealouſy, are now almoſt entirely worn out. And as their Succeſſors behave with that Submiſſion and Regard for the Government that becomes their Character, I think, Sir, they deſerve the Protection and Indulgence of Parliament. I believe it cannot be pretended by Gentlemen, that ſince I had the Honour to be concerned in the Adminiſtration, the Clergy have met with any extraordinary Indulgence from the Government, or that any of the High-Flyers amongſt them have been encouraged. But, Sir, I muſt own, that a Petition from the Clergy, if they act as Miniſters of Peace, and if the Petition is reaſonable in itſelf, will never be leſs agreeable to me becauſe it is in favour of the Clergy. I ſhould not have troubled the Houſe about an Affair which I think has taken up but too much of our Time already, had I not perceived an unuſual Spirit of Oppoſition to this Petition, from Gentlemen whom, by their former Conduct, I never ſuſpected as Enemies to the Clergy, even in the moſt exorbitant Claims, and their moſt exalted Tory Principles.

William Pulteney, Eſq; ſpoke next as follows.

Sir,

William Pulteney's Motion for an Account of what they receive from Monuments and breaking Ground in the Abbey, &c.

'I am ſorry that I am obliged on this Occaſion to differ from the honourable Gentleman who made the Motion; but glad of having one Opportunity of ſpeaking on the ſame Side of the Queſtion with my right honourable Friend who ſits by me. It is certain, Sir, that it would be a very unprecedented thing in us, ſo much as to pretend to make any Alteration in the Funds appointed for the Maintenance of the Dean and Chapter. It is likewiſe certain, Sir, that we cannot compel them to make any Contribution out of their private Emoluments, towards repairing or finiſhing the Church. A great many Reaſons, Sir, induce me to be of Opinion that the Revenues of the Church cannot be better diſpoſed of than they already are; and one among the reſt, Sir, is, that the right venerable Biſhop is Ground-landlord to ſeveral very convenient Lodgings there, extremely proper,



as they are so near the Parliament House, for his Sacred Majesty, in that their Country. Sir, it is time, on every Application, and upon the secret Warning, or their immediate Appearance in the Parliament. But, Sir, tho' I think we have a Right to oblige them to comply with the Terms of their Petition, yet there are certain Reasons which arise from the Payement and the Walls of the Abbey. These Encouragements, Sir, I think we have a just Title to enquire after. The Money we grant is for the Support of the Fabrick; and I think they ought to be laid before us. I should have very well pleased to have complied with the honourable Gentleman's Motion, if the Sum petitioned for were to be applied for the Support of the Clergy. But as that is not the Case, Sir, I beg Leave humbly to move, that the Dean and Chapter of the Collegiate Church of St. Peter Westminster do lay before this House an Account of what Money has been received by them for seven Years last past, for breaking up Ground in the said Church or Places adjacent, for Burials, and for erecting Monuments there, and how the Money has been applied by them towards the Repairing and finishing of the said Church and Edifices thereunto belonging for seven Years last past.'

No Opposition being made, the House came to a Resolution upon this Motion; and the said Account was accordingly agreed to.

Mr. Alderman Perry presents the West India Merchants Petition upon the Spanish Depredations.

Wednesday March 3. Mr. Alderman Perry presented to the House a Petition of divers Merchants, and Planters, and others trading to, and interested in the British Plantations in America, on behalf of themselves and many others, setting forth that Application was made to this House, in the Year 1728, against the many unjust Seizures and Depredations, that had for several Years preceding, been committed by the Spaniards in America upon his Majesty's Subjects, whilst they were carrying on their fair and lawful Trade in those Parts; which Application, this House came to a Resolution, 'That from the Peace, concluded at Utrecht, in the Year 1713, to this Time, The British Trade and Navigation to and from the several British Colonies in America, has been greatly interrupted by the continual Depredations of the Spaniards, who have seized very valuable Effects, and unjustly taken and made Prize of great Numbers of British Ships and Vessels in those Parts, to the great Loss and Damage of the Subjects of this Kingdom, and in manifest Violation of the Treaties subsisting between the two Crowns:' And that this House was pleased humbly to address his Majesty thereupon; and that the Spaniards continuing their Depredations on the British Subjects, and no Satisfaction having been obtained for those before commit-

a farther Application was made to this Houſe, in the Year 1730, complaining of the great Interruptions given by the Spaniards to the Trade and Navigation of this Kingdom, and their cruel Treatment of the Britiſh Subjects; and that this Houſe, having again taken this Matter into their Conſideration, and examined into the ſame with the utmoſt Deliberation, came to a Reſolution: "That an humble Addreſs be 'preſented to his Majeſty, that he will be graciouſly pleaſed 'to continue his Endeavours to prevent the Depredations of 'the Spaniards, for the future; to procure full Satisfaction 'for the Damages already ſuſtained; and to ſecure to the 'Britiſh Subjects, the full and uninterrupted Exerciſe of 'their Trade and Navigation to, and from the Britiſh Co-'lonies in America.' Which Addreſs was preſented to his Majeſty accordingly; and repreſenting to the Houſe, that the Spaniards have paid ſo little Regard to his Majeſty's moſt gracious Endeavours, that they have continued their Depredations, almoſt ever ſince the Treaty of Seville, and more particularly laſt Year have carried them to a greater Height than ever; they having arbitrarily ſeized ſeveral Ships, with their Effects, belonging to his Majeſty's Subjects, on the high Seas, in the deſtined Courſe of their Voyages to and from the Britiſh Colonies, amounting to a very conſiderable Value; and that the Captains or Maſters of ſome of the ſaid Ships were, according to the laſt Advices of the Petitioners, and are (as the Petitioners believe) at this Time confined by the Spaniards in the Weſt-Indies, and the Crews are now in Slavery in Old-Spain, where they are moſt inhumanly treated; and that that cruel Nation make it their Practice to attack and board all Britiſh Merchant Ships, they meet with in the American Seas, under Pretence of ſearching for Goods, which they deem contraband or not, according to their own arbitrary Will and Pleaſure, contrary to the Law of Nations, and in manifeſt Violation of the Treaties ſubſiſting between the two Crowns; and that by theſe unjuſt and violent Proceedings of the Spaniards, the Trade and Navigation to and from America is rendered very unſafe and precarious; inſomuch, that the Inſurance from Jamaica has greatly riſen on theſe Accounts only; and that, without ſome ſpeedy and effectual Remedy, the American Trade and Navigation will be (together with the Revenue of the Crown ariſing therefrom) very much diminiſhed, if not entirely loſt; and farther repreſenting to the Houſe, that, although his Catholick Majeſty has ſtipulated by the Treaty of Seville, and by the Declaration of 1732 relative thereunto, to cauſe Reparation to be forthwith made to the unhappy Sufferers, yet there is no Inſtance of its having been done; ſo far from it, that, whilſt the Britiſh

Anno 11 Geo. II. 1737-38.

Anno 11. Geo. II. 1737-38.

Subjects have been amuſed with vain and fruitleſs Hopes of Satisfaction, the Spaniards have committed farther Inſults and Depredations upon them, and ſtill continue the ſame unjuſt Practices; and that the Cedulas or Orders given by the Court of Spain to their Governors in America, are only calculated (as the Petitioners by Experience have great Reaſon to apprehend) to evade giving Satisfaction to the Britiſh Subjects; for there has never been one of the Cedulas complied with, nor any Governor recalled, nor puniſhed for his Diſobedience, as the Petitioners ever heard; and that, for any Nation to aſſume the Power of detaining or rummaging the Britiſh Ships upon their lawful Voyages in the American Seas under Pretence of ſearching for contraband Goods, is in Effect (as the Petitioners conceive) claiming and exerciſing the ſole Sovereignty of thoſe Seas; and that if the Spaniards be ſuffered to act in this injurious Manner, to inſult the Perſons of his Majeſty's Subjects, or to plunder them of their Property, the Petitioners apprehend, the ſame will be attended, not only with great Obſtruction to this valuable Branch of our Commerce and Navigation, but alſo with Conſequences very fatal to Great-Britain itſelf, and as the Meaſures hitherto purſued have proved ineffectual, praying the Houſe to take the Premiſes into their mature Conſideration, and provide ſuch timely and adequate Remedy, for putting an End to all Inſults and Depredations on the Britiſh Subjects, as to the Houſe ſhall ſeem meet, as well as procure ſuch Relief for the unhappy Sufferers, as the Nature of their Caſe, and the Juſtice of their Cauſe require; and that they may be heard by themſelves *and* Counſel thereupon.

Upon this the Chair ſaid;

Debate upon Form.

Gentlemen,

The Chair.

'Tho' my Office, while I am in the Chair, deprives me of having any Share in your Debates, yet it obliges me to declare what are the Forms of the Houſe. As I conceive this to be a Point of Form, it is my Duty to acquaint you, that ſo far as I have yet obſerved, it never was the Method of this Houſe to admit Parties to be heard by themſelves and Counſel. The Motion that is always made in ſuch Caſes is, that the Petitioners be admitted to be heard by themſelves or Counſel. If therefore the honourable Gentleman who made the Motion, is not ſatisfied that I put the Queſtion, Whether it is your Pleaſure that the Petitioners be heard touching the Matter of this Petition by themſelves or Counſel, I muſt beg Leave to take the Senſe of the Houſe with regard to the Terms in which I am to put the Queſtion upon the preſent Motion.'

Sir

Sir John Barnard ſtanding up, ſpoke to the following Effect: Anno 11 Geo. II. 1737-38.

Sir,

'I do not pretend to be ſo well acquainted with the Forms of the Houſe, as to give my Opinion whether the Petitioners ought to be heard by themſelves *and* Counſel, or by themſelves *or* Counſel: But, Sir, I know that this Petition is founded upon Facts, and I ſhould be ſorry to ſee the Deſign of it defeated by a ſcrupulous Adherence to any Points of Form whatſoever. The Requeſt of the Petitioners, Sir, however as to Form it may be extraordinary, yet in Point of Reaſon, in my Opinion, is juſtifiable. Moſt of the Petitions upon which Counſel is prayed to be heard at the Bar of this Houſe, are againſt Bills depending before the Houſe; and Gentlemen, in the Courſe of ſuch Bills paſſing the Houſe, have Opportunities of making themſelves Maſters of the Caſe; ſo that the Counſel have little elſe to do, but to prove from Facts that the Bill depending is either unjuſt in itſelf, by affecting the Property of the Perſons that petition, or by claſhing or being inconſiſtent with ſome former Law. But, Sir, the Caſe of the preſent Petitioners is widely different; the repeated Loſſes they have met with, and the Injuries they have ſuſtained in their Trade, can never ſo well be underſtood from the Mouth of a Lawyer, as from their own; becauſe, Sir, it is impoſſible for the ableſt Lawyer either to be ſo well inſtructed in the Intereſts and Claims of the ſeveral Petitioners, or to explain the ſeveral Terms of Commerce and Navigation that muſt neceſſarily occur in this Affair, ſo as to be underſtood by Gentlemen unacquainted with theſe Matters. Therefore, Sir, I humbly think it will be a Hardſhip upon the Petitioners, to deny them a Requeſt of ſo little Importance as the preſent, merely becauſe it interferes with a Matter of Form. I beg Leave to ſay, Sir, that Forms cannot be better known than by Precedents, and I believe it will puzzle any Gentleman to find a Precedent of a Caſe parallel to the preſent, whether we conſider the long Courſe of Injuries which ſome of the Petitioners have ſuſtained, the melancholy Situation to which others of them are reduced, or its Importance to the Trade, the Honour, and Safety of Britain. Therefore, Sir, I am of Opinion we ought to make no Difficulty of agreeing to the Requeſt of the Petition.' Sir John Barnard.

This occaſioned ſome Heſitation and then Sir William Windham ſaid:

'I think, Sir, that Gentlemen are extremely obliged to your Care, in putting them in Mind of the uſual Form of Proceeding, and am intirely of your Opinion with regard to the preſent Motion. I believe no Gentleman here can ſuſpect that I have not as warm a Senſe of the Injuries our Merchants' Sir Wm. Windham

Anno 11 Geo. II. 1737-8.

Merchants have ſuſtained, as any Gentleman here; but, Sir, I think we ought to proceed in a parliamentary Method, and not make any Innovations in our Forms, except where it is abſolutely neceſſary. For my own Part, Sir, in the preſent Caſe, I judge it is ſo far from being abſolutely neceſſary, that it would do the Petitioners a Prejudice. As to what my honourable Friend mentioned about a Counſel's not being able to put mercantile Affairs in ſuch a Light as to be thoroughly underſtood by Gentlemen, I am intirely of his Opinion; but then I think the Petitioners ought to appear at our Bar not as Counſel, but as Evidences for themſelves. This, Sir, will effectually anſwer all the Ends that my honourable Friend propoſes, and will preſerve our Method of Proceeding in its ordinary Form.——If therefore, Sir, the Counſel ſhall advance a Fact that requires Proof, or touches upon a Point that wants Explanation, I think it is highly juſt that the Petitioners ſhould be admitted as Evidences, and be allowed to anſwer ſuch Queſtions as ſhall be propoſed either by Gentlemen, or by their Counſel. This, I conceive, Sir, is but fair, and would inſpire our Merchants with a Confidence in the Juſtice of this Houſe, and let the World ſee that we are reſolved to leave no Means untried which may contribute to give us right Information, in an Affair that ſo nearly concerns the Properties of our Fellow Subjects, and the Dignity of the Nation.'

Sir Robert Walpole ſpoke next, to the following Purpoſe.

Sir Robert Walpole.

Sir,

'I muſt humbly beg leave to differ in my Sentiments on this Affair, from both the honourable Gentlemen. The Judgment, Sir, which, in my Opinion, we ſhould form in this Caſe, ought to be grounded on Facts as they are fairly repreſented, not as they are artfully aggravated. Every Gentleman, Sir, I believe, from his bare Reflection on the Injuries our Merchants have received from Spain, feels within his own Breaſt an Indignation ariſe, which there is no Occaſion to increaſe by the Power of Eloquence, or the Arts of a Lawyer. When Gentlemen, Sir, ſee an Affair through the Miſt that Paſſion throws before their Eyes, it is next to impoſſible they ſhould form a juſt Judgment. I believe there is ſcarce any Gentleman here who is not acquainted with as much Geography, and as much of the Hiſtory, both of Britain and Spain, as may enable him, from a plain Repreſentation of Facts, to judge whether the Allegations in this Petition be true or falſe. Now, Sir, are not the Merchants themſelves the moſt proper Hands for giving in ſuch a Repreſentation? Are they not moſt immediately intereſted in the Facts? Where then is the Neceſſity, Sir, of having Counſel to do this? Or what Occaſion, Sir, is there to work upon

, not only by themſelves and Counſel; but if it were
le that we could indulge them in other Advantages, we
t to do it. To talk of working upon Paſſions!——Can
Man's Paſſions be wound up to a greater Height, can any
's Indignation be more raiſed than every free-born En-
man's muſt be, when he reads a Letter which I received
Morning, and which I have now in my Hand. This Letter,
gives an Account that ſeventy of our brave Sailors are
in Chains in Spain. Our Countrymen in Chains! and
s to Spaniards! Is not this enough, Sir, to fire the Coldeſt?
t this enough, Sir, to rouſe all the Vengeance of a na-
l Reſentment? And ſhall we, Sir, ſit here debating a-
Words and Forms, while the Sufferings of our Coun-
en call out loudly for Redreſs?"

The Petition referr'd to a Committee of the whole Houſe

rdered that the ſaid Petition be referred to the Conſider-
of a Committee of the whole Houſe, and that it be an
uction to the ſaid Committee that they do admit the ſaid
ioners to be heard, if they think fit, by themſelves or
nſel, before the ſaid Committee.

Mr Coſter. Petition from Briſtol.

r. Coſter, one of the Members for Briſtol, then pre-
d to the Houſe a Petition of the Maſter, Wardens, Aſ-
ts, and Commonalty of the Society of Merchant-Ad-
arers, within the City of Briſtol, under their common
and the ſame was read; ſetting forth, that for
Years paſt, the Britiſh Trade and Navigation, to
from the Britiſh Colonies and Plantations in America,
been greatly interrupted and expoſed to the continual
ts and Depredations of the Spaniards in thoſe Seas,
e they have taken and made Prizes of great Numbers of
ſh Ships and Veſſels, in their Paſſage to and from the

Anno 11 Geo. II. 1737-8.

therefore praying the Conſideration of the Houſe, and ſuch timely and adequate Remedy in the Premiſes, as to this Houſe ſhall ſeem fit.

Order'd to be refer'd to the Committee.

Ordered, That the ſaid Petition be referred to the Conſideration of the Committee of the whole Houſe, to whom the Petition of divers Merchants, Planters, and others, trading to, and intereſted in, the Britiſh Plantations in America, on Behalf of themſelves and many others, is referred.

Ordered, That it be an Inſtruction to the ſaid Committee, that they do admit the Petitioners to be heard, if they think fit, by themſelves *or* Counſel, before the ſaid Committee.

Petition of the Owners of the Ann Galley.

Next was preſented a Petition of Samuel Bonham, Chriſtopher Aſtley, Benjamin Weal, and Joſeph Crowcher, Owners of the Ship Ann Galley, Joſeph Spackman Maſter, Burthen one hundred and thirty Tons, or thereabouts, on Behalf of themſelves, and the Mariners, and Seamen of the ſaid Ship, and the ſame was read; ſetting forth, that the Petitioners on the 4th of December 1728, and ſince, have delivered to his Grace the Duke of Newcaſtle, one of his Majeſty's principal Secretaries of State, ſeven Memorials and Petitions addreſſed to his Majeſty, and four others delivered at the Council-Board, each Memorial and Petition ſetting forth the great Loſs and Damage, the Petitioners have received by the unjuſt Capture and Seizure of their Ship Ann Galley and her Cargo by the Spaniards on the 13th of June 1728, in her Way from Guinea to Jamaica, after the Pacification between the Crowns of Great Britain and Spain was not only agreed on, but notified to the reſpective Governments in the Weſt Indies, the ſame being notified at Jamaica the 3d of June, and at Carthagena, in New Spain, the 10th of the ſame Month; and the Value of the ſaid Ship and Cargo, with the Freight, &c. hath been atteſted on the Oath of the Maſter and ſeveral of the Officers and People belonging to the ſaid Ship Ann Galley, when taken by the Spaniards, to be worth 10,500 l. Sterling, and upwards, beſides the Loſs of Intereſt for that Sum to this Time, being upwards of nine Years; in all which Memorials and Petitions the Petitioners moſt humbly beſought his Majeſty's Favour, Intereſt, and Protection, in recovering their Loſs and Damage from the Spaniards; yet that, notwithſtanding his Majeſty's Goodneſs in endeavouring, by all peaceable Ways and Methods, to obtain Satisfaction for ſuch their Loſs and Damage, it plainly appears to the Petitioners, that thoſe Cedulas are no more than Deluſions and Shews of Juſtice; for his Majeſty hath been graciouſly pleaſed to ſend ſeveral Ships of War from Jamaica to demand Reſtitution at St. Jago de Cuba, and by his Miniſter Benjamin Keene, Eſq; at Court of Spain, hath made Demand of the ſaid Ship Car-

complaining of the unjuſt Capture of the ſaid Ship Robert, and begging his Majeſty's moſt gracious Interpoſition, that Juſtice and Reſtitution might be done them; but receiving no Satisfaction, and the Spaniards continuing their Depredations, the Petitioners joined in a Petition with other Merchants of Briſtol to this Houſe in 1730, and then, as they conceived, proved the Allegations thereof, when this Houſe thought fit to addreſs his Majeſty, that he would be graciouſly pleaſed to continue his Endeavours to prevent the Depredations of the Spaniards for the future, and to procure full Satisfaction for the Damages ſuſtained; whereupon, Commiſſaries were appointed, by Virtue of the Treaty of Seville; and that the Petitioners having made Application to them, as well as to Mr. Keene his Majeſty's Miniſter at the Court of Madrid, by a Memorial ſetting forth and authenticated Papers annexed thereto, proving the Unjuſtneſs of the Capture of the ſaid Ship, and the Loſs ſuſtained; which was delivered to his Grace the Duke of Newcaſtle, about the Month of July 1731; but that, no Relief being had thereupon, the Petitioners again petitioned his Majeſty in the Month of September laſt; which was alſo delivered to his ſaid Grace, and has been ſince tranſmitted to Mr. Keene; but no Anſwer being returned thereto, there is no Probability or Expectation of receiving any Satisfaction; and therefore praying the Houſe, as the Meaſures hitherto purſued have proved ineffectual, to take the Premiſes into farther Conſideration, and grant ſuch Relief, as to the Houſe ſhall ſeem meet, and that the Petitioners may be heard by themſelves and Counſel thereupon.

Anno 11 Geo. II. 1737-38.

Ordered, That the ſaid Petition be referred to the Conſideration of the Committee of the whole Houſe, to whom the Petition of divers Merchants, Planters, and others, trading to, and intereſted in, the Britiſh Plantations in America, on Behalf of themſelves, and many others, is referred.

Referr'd to the Committee.

Ordered, That it be an Inſtruction to ſaid Committee, that they do admit the Petitioners to be heard, if they think fit, by themſelves *or* Counſel, before the ſaid Committee.

Mr. Pulteney.

Sir,

'We have now before us an Affair, in which, tho' it is ſolicited by the Merchants only of one Denomination, yet there is not a Merchant in Great Britain who, in ſome Degree or other, may not be ſaid to be concerned. It is not, Sir, as has been ſuggeſted, an impotent Clamour of a few Smugglers, whoſe Effects have been juſtly ſequeſtered for carrying on an illicit Trade; but an humble and a juſt Re-

Mr. Pulteney.

Anno 11. Geo. II. 1737-38.

monſtrance of a very conſiderable Body of the beſt Friend both to the Intereſt and Conſtitution of their Country. It would wrong the Honour and Juſtice of this Houſe, Sir, to ſuſpect, that if the Petitioners prove the Allegations contained in their ſeveral Petitions, they ſhall not receive all the Relief that it is in our Power to give. But, Sir, there are other Places where an effectual Redreſs for their Injuries muſt be ſolicited. I ſhall not, Sir, go about to accuſe any one before I am certain that the Allegations exhibited in the Petitions are true; but one Petition that has been now read, makes a very extraordinary Impreſſion upon me. The Petitioners, Sir, pretend that the King of Spain's Officers in America have dared to diſobey the moſt poſitive Orders obtained from their Maſter at his Majeſty's Inſtances. Can any Getleman, Sir, imagine, that the Spaniſh Officers durſt have acted in this Manner without the Connivance of their Court? or that their Court would have preſumed to trifle in ſuch a Manner with any Miniſtry, but one which they thought wanted either Courage or Inclination to reſent ſuch Treatment? As I ſaid before, Sir, I ſhall not take upon me to give my Judgment of the Affair till I have heard the Allegations in this Petition made out. If they cannot be made out, Sir, I think the Petitioners deſerve the Cenſure of this Houſe for ſo groſs an Impoſition. But if they are proved, Sir, which I think we have too good Reaſon to expect, I cannot help ſaying, that I think our Miniſtry have been guilty of a ſcandalous Breach of Duty, and the moſt infamous Puſillanimity. In the mean Time, Sir, as the Affair itſelf has on all Sides been confeſſed of the greateſt Importance, and it is highly requiſite that every Gentleman, who has the Honour to ſit in this Houſe, ſhould be preſent while it is in Agitation, I think, Sir, we ought to ſubject every one, who is abſent without indiſpenſible Neceſſity, to the ſevereſt Cenſure we can inflict: Therefore I humbly move, that the Houſe be called over on the 16th of this Month.

Moves for a Call of the Houſe on the 16th Inſtant.

The honourable Henry Pelham, Eſq;

Sir,

Mr. Pelham.

'I do not riſe up to oppoſe, but to ſecond the honourable Gentleman's Motion; and, Sir, as he has been pleaſed to give us his Thoughts upon this Affair as it now appears to him, I hope I may be indulged in the ſame Liberty. It is a Liberty, Sir, which I ſhould not have asked, were I not apprehenſive, that if ſomething is not ſaid with regard to what fell from the honourable Gentleman, it might too much anticipate the Judgment which Gentlemen may form upon the preſent Affair. I have, Sir, heard of the Caſe which the honourable Gentleman has hinted at, and I do not

not doubt of the Truth of the Allegations contained in the Petition. But, Sir, ſuppoſing them true, how do they affect the Characters of thoſe concerned in the Miniſtry? Muſt the King of Spain, or his Britiſh Majeſty's Miniſters be anſwerable for the Conduct of their Governors in America, and for every wrong Conſtruction which theſe Governors may make of the Orders they receive from their Principals? It appears upon the Face of one of the Petitions, that our Miniſtry were as active as Men could be in demanding Satisfaction for the Petitioners. If their Inſtances had not the deſired Effect, the Blame cannot be laid at their Door; for upon the delaying of Juſtice, one of theſe two Ways muſt have been taken: They muſt either have acted as they have done, or declared Hoſtilities muſt have commenced betwixt the two Crowns. Now, Sir, I believe, the Gentlemen who talk ſo much of entering on this Affair with Vigour, would have been cautious, had they been Miniſters, of engaging in a War upon the Tranſaction of a ſingle Governor or Officer, contrary to the Will and Intention of his Sovereign. If upon the Repreſentations that were made by his Majeſty's Miniſters at the Court of Spain, the Spaniſh Miniſters had anſwered that the Capture was juſt, and they were reſolved to ſeize all other Britiſh Ships trading in the ſame Manner: This, Sir, being looked upon as the Senſe of their Court, might have afforded very good Grounds for a Rupture. But it appears, Sir, from the Petition, that the Thing was quite otherwiſe, and that the Miniſtry were only blameable for not attacking the Court of Spain, becauſe his Officers either did not underſtand, or would not obey his Orders. I agree with the honourable Gentleman, as to the Neceſſity of our making a ſtrict Enquiry into this Affair; and I think the Motion he has made is highly reaſonable. But, Sir, I believe that Enquiry will produce a different Effect from what is expected by the honourable Gentleman. I have Reaſon, Sir, to be confident, that it is the Intereſt of the Miniſtry we ſhould examine the Allegations contained in theſe Petitions; for I am perſuaded, that thereby they muſt be cleared from every Imputation of acting either a cowardly or a negligent Part; and let the Blame fall where it will, I dare ſay it cannot juſtly fall upon them.'

Upon this the Motion was agreed to; but the Call of the Houſe was put off when the Day appointed came, becauſe it was rightly judged, that when the Call was over, many Members would drop off; whereas, if it was delayed from Day to Day, it would be a Method to detain them in Town. Motion agreed to.

After diſpatching ſome private Bills, Sir John Barrnard ſpoke to the following Purpoſe:

Anno 11 Geo. II. 1737-8.

Sir John Barnard moves for the Inſtructions relating to the Negotiations with Spain.

Sir,

'As the Petitions now preſented to us have been ſo unanimouſly referred to a Committee of the whole Houſe, and a proper Day appointed for taking them into Conſideration, I make no doubt of our entering ſeriouſly into an Examination of the Grievances complained of; but, as thoſe Grievances are of a foreign Nature, as they are Grievances which have been long complained of, and as they are Grievances our Government, we know, have endeavoured to get redreſſed, have applied to the proper Court for that Purpoſe, I muſt be of Opinion, that we cannot examine thoroughly as we ought to do, into this Affair, without having before us the whole Thread of that long Negotiation which has been carried on with the Court of Spain, for obtaining Redreſs in an amicable and peacable Manner.

'The Abuſes complained of by the Petitions now before us are, I muſt ſay, Sir, of a moſt extraordinary Nature: They are ſuch as the moſt pitiful Prince in the World would not ſuffer from the moſt powerful, without taking the firſt Opportunity for ſhewing his Reſentment. By theſe Petitions we are told, that the Spaniards have not only ſeized our Ships, with their Effects, in a moſt arbitrary Manner, but that they have inhumanly treated our Seamen. Nay, we are told, that with reſpect to one Ship in particular, though the Court of Spain itſelf has acknowledged her being wrongfully and injuriouſly ſeized, yet they have hitherto refuſed or delayed making any proper Reparation, notwithſtanding its being now almoſt ten Years ſince the Ship was ſeized, and near eight Years ſince the Court of Spain itſelf acknowledged the Injuſtice of the Seizure.

'But why ſhould I talk, Sir, of what has been done eight or ten Years ago, or but lately? Theſe Inſults and Abuſes have been continued, I may ſay without Interruption, ever ſince his late Majeſty's Acceſſion to the Crown, which is near twenty-four Years ſince. This is not the firſt Time that our Merchants have been obliged to ſue to this Houſe for Redreſs in this Affair. In the Year 1728 we may remember that Application was made to this Houſe, againſt the many unjuſt Seizures and Depredations, that had, for ſeveral Years preceding, been committed by the Spaniards in America upon his Majeſty's Subjects, whilſt they were carrying on their fair and lawful Trade in thoſe Parts; and upon that Application, this Houſe came then to a Reſolution, 'That 'from the Peace of Utrecht in 1713 to that Time, the Britiſh 'Trade and Navigation to and from the ſeveral Britiſh Colo-'nies in America, had been greatly interrupted by the conti-'nual Depredations of the Spaniards, who had ſeized very 'valuable Effects, and unjuſtly taken and made Prize of great 'Numbers of Britiſh Ships and Veſſels, in thoſe Parts, to the

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" great Loss and Damage of the Subjects of this Kingdom, and " in manifest Violation of the Treaties subsisting between the " two Crowns." Upon which Resolution an Address was presented to his Majesty, " beseeching him to use his Endeavours for obtaining Satisfaction and Security for our Merchants. But what was the Consequence? The Spaniards not only refused Satisfaction, but continued their Depredations; and therefore a new Application was made to this House, and a new Address presented to his Majesty by this House, in the Year 1738, which must now appear to have had as little Effect as the former, if the Facts charged in the Petitions now before us shall, upon Examination, be found true.

" After having thus stated the Case in its proper and true Light, I must take notice, Sir, that when we go into a Committee upon this Affair, the first Thing we enquire into, is, to know whether the Facts, as represented in the Petitions, are true; for which Purpose we must examine the Petitioners, and such Witnesses, or other Vouchers, as they shall please to bring or lay before us. This we must certainly do; but when we have done this, we shall have heard only one Side of the Question; for, surely the Spaniards have some Pretence for what they have done, or something to say in their own Vindication. As there is no War, nor has been for several Years, between the two Nations, they would not certainly have seized any one Ship belonging to British Subjects, without some Pretence for so doing; and from the Wisdom, the Penetration, and the Courage of our present Ministers, I must conclude, that those Pretences were such as carried some Shew or Colour of Reason; because if it had been otherwise, I am convinced, our Ministers would have advised declaring War against them long before this Time. These Pretences therefore we must examine into, before we can come to any proper or just Resolutions with respect to this Affair; and these Pretences we cannot examine into without having before us all the Letters, Memorials, and other Papers, that have passed between the two Courts upon this Subject.

" If the Facts set forth in the Petitions be found to be true, and exactly as represented; and if the Pretences made use of by the Spaniards for treating our Merchants and Seamen in such a thievish and barbarous Manner, be found to be frivolous and groundless; the next Thing we are to inquire into, is, how it comes that no Satisfaction has yet been obtained, and what Prospect we now have of obtaining Satisfaction? For in such Cases there are but three Ways of obtaining Satisfaction, which are, either by Negociation, by declaring War, or by a middle Way between these two, I mean that of granting Letters of Marque or Reprisal to such of our Subjects as have

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Anno 11 Geo. II. 1737-38.

been injured. The firſt we have certainly tried; and if that ſhould be now in ſuch Forwardneſs as that a proper Satisfaction may, in all Probability, be ſoon expected, I ſhould be againſt this Houſe's coming to any Reſolution at preſent, leſt it might diſturb or interrupt the Courſe of that Negotiation; but this we cannot enquire into, without having before us thoſe Letters, Memorials, and other Papers, that have lately, or indeed thoſe that have laſt paſſed between the two Courts upon this Subject. In this Caſe, I ſay, Sir, I ſhould be againſt our coming to any preſent Reſolution; but if it ſhould appear, that we have now no Hopes of obtaining Satisfaction or Security in a peaceable Manner, I muſt think it would be very proper for us to inquire into what Proſpect we ever had of obtaining Redreſs by Way of Negotiation; for conſidering that our Negotiations for this Purpoſe have continued, or at leaſt ought to have continued, for above theſe twenty Years, I cannot but be of Opinion, that we have been bamboozled with fair Promiſes; and in that Caſe I do not know but it may be thought proper to inquire into the Nature of thoſe Promiſes, in order to know whether they were ſuch as a prudent Man ought to have depended on; becauſe if they were of ſuch a Nature, or ſo often broken, as that no prudent Man would have depended on them, I am ſure it ought to ſtir up the Reſentment of this Nation againſt ſome other Perſons, as well as againſt the Spaniards. This likewiſe is a Piece of Knowledge which we cannot come at, without having before us all thoſe Letters, Memorials, and other Papers, that have paſſed between the two Courts, relating to the Depredations, Inſults, and Cruelties now complained of.

'I think I have now ſhewn, Sir, that we cannot ſeriouſly and thoroughly examine into the Grievances complained of in the Petitions now before us, or come to any proper Reſolutions for obtaining Redreſs, without having before us the whole Thread of the Negotiation between Spain and us, relating to the Depredations committed by the Subjects of Spain upon thoſe of Great-Britain; but before I make any Motion for this Purpoſe, I muſt beg leave to obſerve, that this very Affair has occaſioned many Complaints among our People, not only againſt the Spaniards, but againſt our preſent Adminiſtration. Thoſe Merchants and Seamen who have been plundered and abuſed, and have been at ſo much Trouble, and ſo great an Expence of Time and Money, in applying for Redreſs both at the Court of Great Britain, and, by Encouragement and Recommendation from thence, at the Court of Spain, are apt to think, that both the Honour and Intereſt of their Country lie neglected and forgot. Nay, this Opinion prevails too much, not only among thoſe who

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are the Sufferers, but alſo among their Friends and Acquaintance, and I am afraid, among all thoſe who have heard or read of theſe often-repeated Depredations. This Opinion not only renders our People diſcontented with our Adminiſtration, but, what is of much worſe Conſequence, it may render our People diſaffected towards his Majeſty and his illuſtrious Family; and it muſt be confeſſed, that Gentlemen who are no way acquainted with the Secrets of our publick Tranſactions for ſeveral Years paſt, do not well know what to ſay to thoſe who thus complain, or how to make an Excuſe for the many Loſſes, Diſappointments, and Delays our Merchants have met with.

'This Inability which moſt Gentlemen in the Kingdom are under, muſt be a real Grief to all thoſe who have a true Regard for his Majeſty, or for the Royal Family. This, Sir, of itſelf is, in my Opinion, a ſufficient Argument for Gentlemen's being deſirous to examine into the late Negociations, that have paſſed between Spain and us. I hope every Gentleman will from thence ſee, that every thing has been done for obtaining Satisfaction for paſt Injuries, and Security againſt future, that could be done by a wiſe King and a diſintereſted Adminiſtration. From thence every Gentleman will be able to give a ſatisfactory Anſwer to all thoſe who think they have Reaſon to complain; by which Means, Diſaffection will be prevented, and thoſe Diſcontents, which I am afraid fall heavily at preſent upon our own Adminiſtration, will then, I hope, be all converted into a juſt Reſentment againſt the Shuffling, and repeated Breaches of Faith, which the Spaniards have been guilty of. This, I ſay, Sir, will, I hope, be the Conſequence of having theſe Papers laid before us; but whatever may be the Conſequence with reſpect to thoſe who have been entruſted with our Adminiſtration, I am ſure every Gentleman will ſee, and from thence will be able to convince others, that his Majeſty has all along acted the moſt prudent Part, according to the Information he has had from Time to Time; which will of Courſe remove every Ground of Diſaffection; and this is what, I am ſure, the Majority of this Houſe have chiefly, if not ſolely, at Heart; for the Majority of this Houſe will, I hope, always have a much greater Concern for vindicating the Honour of their Sovereign, than for ſcreening or concealing the Faults of any of his Miniſters, either abroad or at home.

'In full Confidence of this, Sir, I preſume the Motion I am to make will be unanimouſly agreed to, and therefore I ſhall add no more, but move:

That

Anno 11 Geo. II. 1737-38.

The Motion.

" That an humble Addreſs be preſented to his Majeſty, that he would be graciouſly pleaſed to give Directions for laying before the Houſe Copies or Extracts of the ſeveral Petitions, Repreſentations, Memorials, and all other Papers relating to the Spaniſh Depredations upon the Britiſh Subjects; which had been preſented to his Majeſty, or delivered to either of his Majeſty's principal Secretaries of State ſince Midſummer laſt; together with Copies, or Extracts of ſuch Memorials or Repreſentations, as had been made either to the King of Spain or his Miniſters; and the Anſwers returned by them to the ſame; and together with Copies, or Extracts of the Letters written to his Majeſty's Miniſter at Madrid, with the Anſwers received from him relating to the ſaid Depredations."

This Motion being ſeconded by Mr. Alderman Perry, Sir Robert Walpole roſe, and ſpoke to the following Purpoſe:

Sir,

Sir R. Walpole.

' I do not ſtand up to oppoſe the honourable Gentleman's Motion, becauſe there are many Papers have paſſed between the Courts of Great-Britain and Spain, relating to the Subject of Complaint now before you, which it may be proper for the Committee to ſee; but there are certainly ſome which you ought not as yet to call for; and therefore I muſt think the Motion rather too general and extenſive; for tho' we have a full and unlimited Power of addreſſing for whatever we may think proper, yet we ought never to deſire any Thing but what the Crown may probably be able to comply with, without doing an Injury to the publick Affairs of the Nation.

' I am ſure it cannot be ſuppoſed, Sir, that I have any Objection, on my own particular Account, againſt calling for any Letters, Memorials, or other Papers, that have been contrived and drawn up by the Court of Spain: I am no Miniſter at that Court, nor can it be ſaid that I have the leaſt Influence on any of their Councils; and therefore I cannot be made to anſwer for any Step they have been pleaſed to take, relating to the Thing now before us. If I had had the leaſt Influence on any of their Councils, I am ſure I would have adviſed them, even for their own Sakes, to have obſerved a very different Sort of Conduct with reſpect to this Nation. In my Opinion, if the Spaniards were governed by prudent Councils, if their publick Affairs were under the Management of thoſe who had nothing elſe in View but the true Intereſt of that Kingdom, they would find it as much their Intereſt to avoid picking Quarrels with us, as it is our Intereſt to avoid picking any Quarrel with them. They would have long ſince found, and they may probably at laſt find, to their Coſt, that their own Proverb will always hold

true,

true, 'Peace with England, and War with all the World 'beſides' This has long ago become a Sort of Proverb in the Spaniſh Language, and will always be found to be a juſt and a prudent Maxim; for it is the Intereſt of both Nations to be well with one another; but Nations have often the Misfortune to be governed by thoſe, who have nothing leſs in View than the Intereſt of that Country they govern.

'For this Reaſon, Sir, every Gentleman muſt allow, that a War with Spain ought to be avoided if poſſible; and as his Majeſty has not as yet told us, that he has given over all Hopes of obtaining Redreſs by Negociation, we ought to take no Step, nor call for any Paper, that may render ineffectual, or perhaps put an intire Stop to all future Negociation. We cannot ſuppoſe that any Step taken by this Houſe, or any Paper laid before us, can be kept a Secret, becauſe there are generally great Numbers of Perſons preſent, beſides thoſe who have a Right to be here. This, I ſay, can never be ſuppoſed; and therefore it has always been obſerved as a Rule in our Proceedings, never to call for any Paper relating to an Affair then in Agitation. The laſt Memorial or Anſwer from Spain is a Paper of this Nature: It arrived but on Saturday laſt; and, I believe, I may venture to acquaint the Houſe, that it is far from being ſatisfactory; but if kept private, and no violent Meaſures taken in the mean Time, it may be explained ſo as to render it ſatisfactory, by which means an open Rupture will be prevented: Whereas, if it ſhould be laid before this Houſe, it may inflame the Nation, or even this Houſe, ſo much, as to hurry us into ſome violent Meaſures; and even ſuppoſe we ſhould be able to govern our Reſentment, yet the rendering it publick, which would certainly be the Conſequence of laying it before us, might make the Court of Spain think their Honour concerned in adhering peremptorily to the Terms of this Anſwer, without giving ſuch Explanations as they might otherwiſe in prudence be induced to give.

'I ſhall moſt readily agree, Sir, that our Merchants and Seamen have been often treated moſt unjuſtly and moſt inhumanly by the Spaniſh Guarda Coſtas, and that both the Honour and Intereſt of the Nation are deeply concerned in obtaining Reparation for paſt Injuries, and a proper Security againſt being expoſed to any ſuch in Time to come; but we certainly ought not to have Recourſe to Arms as long as there is any Proſpect of obtaining Redreſs in a peaceable Manner. It is without Doubt a very popular Way of arguing, to talk highly of the Honour, the Courage, and the ſuperior Power of this Nation; and, I believe, I have as good an Opinion of the Honour, Courage, and Power of this Nation, as any Man can, or ought to have; but other Nations muſt be

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ſuppoſed to have Honour as well as we, and all Nations generally have a great Opinion of their Courage, and Power. If we ſhould come to an open Rupture with Spain, we might in all Probability have the Advantage; but Victory and Succeſs do not always attend upon that Side which ſeems to be the moſt powerful; therefore an open Rupture, or declared War, between two potent Nations, muſt always be allowed to be an Affair of the utmoſt Importance to both; and as this may be the Conſequence of our preſent Deliberations, we ought to proceed with great Coolneſs, and with the utmoſt Caution.

Prudence and Puſillanimity, Sir, are two Words which are eaſily underſtood in private Life; but in publick Life, and in national Affairs, it is not ſo eaſy to form proper Ideas for theſe two Words, and to determine the exact Boundaries between them. If a private Man ſhould think his Honour injured, he may, he ought to reſent it immediately; becauſe, as he has nothing but his own Life to loſe, his own Opinion is a good and a ſufficient Reaſon for putting it to the Venture: But in national Quarrels the Lives of many Thouſands are concerned; and thoſe who are to deliberate and determine in what Manner, or how ſoon, an Injury ought to be reſented, are generally thoſe whoſe Lives, in Caſe of a Rupture, will be the laſt of being brought into Danger. For this Reaſon, they ought not to depend ſo much on their own Opinion; nor ought they to inſiſt upon ſuch Punctilio's as may be inſiſted on in private Life. They ought to conſider the Circumſtances of both Nations, and they ought to weigh thoroughly the probable Conſequences; for it may ſometimes be the Intereſt of a Nation to pocket an Affront, or at leaſt to defer their Reſentment, till they find a more proper Opportunity for taking Vengeance. This is what we cannot be competent Judges of, even though we had all the Papers now moved for before us; becauſe from them we could not gueſs how we ſtand with reſpect to the other Powers of Europe. We could not from thence know, but that our coming to an immediate Rupture with Spain might unite ſeveral Powers againſt us; and, in that Caſe, ſurely, it would be Madneſs in us to call for any Paper, or to make any Step, which might haſten that Rupture.

'From this Conſideration it muſt appear, Sir, that even with reſpect to a Nation, whoſe Friendſhip we have no Reaſon to be fond of, it may not at all Times be proper to ſhew an immediate Reſentment; but with reſpect to a Nation whoſe Friendſhip we have Reaſon to be fond of, and not only a Nation we ought to endeavour to be well with, but likewiſe a Nation whoſe real Intereſt it is to cultivate a Friendſhip with us, we certainly ought not to be quick in ſhewing our

our Reſentment, upon every Miſunderſtanding that may happen between us. If ſuch a Nation ſhould be hurried into wrong Meaſures with reſpect to us, either by the particular Circumſtances they happen to be in, or perhaps, by weak or treacherous Councils, there may be many Reaſons for our delaying to ſhew a proper Reſentment; becauſe the Circumſtances they are in may alter, or they may come to be governed by more prudent or more upright Councils, in which Caſe they will court a Reconciliation, and for that Purpoſe will be glad to make us all the Reparation they have in their Power. This will certainly be the Caſe with Spain, as ſoon as they begin to conſider ſeriouſly, and to purſue ſolely that which is the true Intereſt of the Spaniſh Nation in general. The preſent Miſunderſtandings between us, would then be eaſily and ſpeedily removed; whereas if we ſhould hurry ourſelves into a War with that Nation, the Violences, Rapines, and Maſſacrees, which would be committed on both Sides, might eſtabliſh a Sort of national Enmity and Hatred between the People of the two Kingdoms, which both Courts, if they were never ſo well inclined to each other, might find difficult to remove for many Years after.

'For this Reaſon, Sir, we ought to avoid as much as poſſible coming to an open Rupture with that Nation in particular; and, therefore, I do not know any great Neceſſity there is for our calling for any Papers; for I do not think we can come to any Reſolution upon the preſent Occaſion, except that of addreſſing his Majeſty to take thoſe Meaſures which he may, in his great Wiſdom, think moſt prudent and neceſſary, for obtaining Redreſs to his injured Subjects. I hope no Gentleman will think, that this Houſe ought to declare War againſt Spain, or that we ought to adviſe his Majeſty to declare War, till he applies to us for our Advice upon that Head. Such a Proceeding would not only be an Incroachment upon one of the moſt certain Prerogatives of the Crown, but it would likewiſe be a Sign of great Raſhneſs and Imprudence; for no Man can prudently give his Advice for declaring War, without knowing the whole Syſtem of the Affairs of Europe as they ſtand at preſent, and how the ſeveral Potentates of Europe now ſtand affected towards one another. It is not the Power of Spain, and the Power of this Nation only, that we ought in ſuch a Caſe to conſider and compare: We ought likewiſe to know what Allies our Enemies may have, and what Aſſiſtance we may expect from our Friends; neither of which we can know from the Papers now moved to be called for, if they were all laid before us; therefore we muſt leave it entirely to his Majeſty, to take the moſt prudent Meaſures for obtaining Redreſs; and, when his Majeſty finds that no peaceable

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Meaſures will prevail, he will without doubt apply to this Houſe for Advice as well as Aſſiſtance; and, will then certainly give the Houſe all the Information that may be neceſſary for giving us a full View of our Circumſtances both abroad and at home.

'From what I have ſaid, Sir, I hope Gentlemen will be of Opinion, that we can come to no Reſolution upon the preſent Occaſion, but that of addreſſing his Majeſty in much the ſame Terms this Houſe has heretofore done upon a like Occaſion; and this, I am convinced, every Gentleman will think we may do, without having before us any of the Anſwers from the Court of Spain, eſpecially that which arrived only on Saturday laſt. There is, therefore, not the leaſt Occaſion for our calling for that Paper; if we do, we may have Reaſon to repent it; but, I am ſure we can never have Occaſion to repent our not calling for it; becauſe, we may hereafter have that, and every other Paper relating to the Affair now in Hand, laid before us; and, if any of his Majeſty's Miniſters, either abroad or at home, have been to blame, or have injured the Nation by their Ignorance or Neglect, or by any criminal Step, in the Courſe of theſe Negociations, it will then appear; and the Perſon guilty may be puniſhed according as the Houſe ſhall then ſee juſt; for no one of his Majeſty's Miniſters either does, or can expect to have his Failing ſkreened or concealed by a Britiſh Houſe of Commons; I hope no one of them has any Occaſion for ſuch Skreening or Concealment.

'As for the Diſcontents that may be in the Nation, on Account of the Depredations committed by the Spaniards, I cannot think that any of them are directed againſt the Adminiſtration; I am ſure they cannot with any Juſtice be ſo directed; and therefore, I am convinced, that none of them are ſo directed by any Perſon who is not diſaffected to his Majeſty, as well as diſcontented with the Adminiſtration. But I hope moſt of them are levelled where they ought only to be levelled; I mean againſt the Spaniards, who have been guilty of, or have connived at, thoſe Depredations; for even from the Papers we have already ſeen, I muſt be of Opinion, that our Miniſters, both abroad and at home, have been at as much Pains as it was poſſible for them to be at, and have uſed all proper Means for convincing the Court of Spain of their Error, and for prevailing with them to make full Reparation. This, I ſay, I am convinced of from the Papers now upon our Table, which in my Opinion may furniſh any willing Mind with Matter ſufficient, not only for vindicating his Majeſty's Government from any Aſperſion that may be caſt upon it by the Diſaffected, but alſo for vindicating the Meaſures purſued by the Adminiſtration. With reſpect to his

his Majeſty's Government, tho' there are ſome without Doors who, for the Sake of ſpreading Diſaffection, are ready to impute the moſt caſual Misfortunes, to ſome Fault or Neglect in his Government; yet I am ſure there is no Gentlemen within Doors, who will not be ready to vindicate it upon every Occaſion; but with reſpect to the Adminiſtration, I cannot ſay ſo much: I am afraid there are ſome within Doors as well as without, who are not very willing to vindicate it upon any Occaſion, and who upon moſt Occaſions are even unwilling to admit of thoſe Excuſes, which the Adminiſtration may juſtly lay claim to.

'As I do not oppoſe calling for any Papers, in which our Adminiſtration can be ſuppoſed to have a Concern, I hope, what I have ſaid, Sir, will have the more Weight. If I oppoſed calling for any Papers that have been penned or adviſed by any of our Miniſters, it might perhaps be ſuſpected that my Oppoſition proceeded from ſome ſelfiſh End, in order to prevent an Enquiry into my own Conduct, or into the Conduct of ſome of my Friends; but as I oppoſe calling for ſome of thoſe Papers only, which have been penned and adviſed by the Miniſters of Spain, I cannot think my Oppoſition will be liable to any ſuch Suſpicion; I hope it will be thought, I have nothing but the Good of my Country in View. I really think, and I proteſt I ſpeak it ſincerely, I ſay, I really think it inconſiſtent with the Intereſt of the Nation, to call for any Paper ſo lately arrived, as the laſt Diſpatch which came from the Court of Spain to this Court. It may be attended with terrible Conſequences, not only in the Caſe now before us, but in many future Caſes, becauſe it will be a dangerous Precedent for all Time to come. Who knows, Sir, ſhould we make a Precedent of this, but that a future Houſe of Commons may aſſume to themſelves a Power of calling for Papers during the Dependance of a Negociation; and if this ſhould ever come to be our Caſe, I am ſure no foreign Prince or State will ever enter into any ſecret Negociation or Treaty with our Government, the Conſequences of which I ſhall leave to every Gentleman to form to himſelf a Notion of; for they are beyond what I can pretend to expreſs.

'I am far from thinking, Sir, that a Negative ought to be put upon the Motion the honourable Gentleman has been pleaſed to make; but from what I have ſaid, I hope even he himſelf will be convinced, that his Motion ought to be confined, and that therefore he will agree to the Amendment I am to propoſe; for in the Affair now before us, it will be a great Advantage to the Nation, and therefore I wiſh, that we may proceed in every Step with the greateſt Concord and Unanimity. The Amendment I propoſe is, That thoſe Words which relate to the Anſwers from Spain

may

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with other Nations, whoſe Friendſhip can never be of any great Service, but has been ſtill found ruinous to this Nation, or for the Sake of encouraging or protecting a particular Set of Men amongſt ourſelves, I believe it will be generally agreed, that the Authors and Adviſers of ſuch a Conduct, ought to be enquired after by, and ought to fall under the Cenſure of, a Britiſh Parliament: I believe every Man will likewiſe agree, that we cannot in Juſtice expect Reparation till we are ready to give it; and that, if we were the firſt to offend, we ought to be the firſt to offer an Attonement. I am far from thinking that this is the Caſe, but I am ſure it will be allowed, that it may; and ſurely, this Houſe can come to no Reſolution, with reſpect to the Affair before us, till we know whether this be the Caſe or not. Now, I would be glad to know, how it is poſſible for us to determine, whether this be the Caſe or not, till we have ſeen all the Memorials, Anſwers, and other Papers, drawn up by the Court of Spain upon this Head; for, from theſe, and theſe only, we can acquire a ſufficient Knowledge of the Demands they have upon us, or the Complaints they make againſt us.

'Tis true, Sir, we cannot preſume that any Paper laid before this Houſe can be long kept a Secret, nor can we tell whether the laſt Anſwer from Spain be a Paper which ought to be kept ſecret. The hon. Gentleman has been pleaſed to tell us, it is far from being ſatisfactory; but if I have been rightly informed, it is ſomething more than diſſatisfactory; I have been told it may even in ſome Meaſure be called Menacing and Inſulting. I ſhall be glad to find I have been miſinformed. I hope it is, as the honourable Gentleman ſays, ſuch a one as may admit of an Explanation. But I am ſure, if a Negociation of twenty Years has not been able to procure a ſatisfactory Anſwer, or proper Explanations, it is high Time for us to take other Meaſures; and, no Meaſure can be more effectual than an explicit and ſtrong Reſolution of a Britiſh Parliament. Such a Reſolution has always hitherto had a great Effect upon the Councils of moſt States in the World, eſpecially ſuch as have any Territories bordering upon our Dominion in the Ocean: I hope it will ſtill have the ſame Effect; for whatever little Diviſions may be amongſt us, with reſpect to our own domeſtick Affairs, I am convinced thoſe Diviſions will never prevent our ſhewing a firm Reſolution of being unanimous againſt any foreign Power, that ſhall dare to encroach upon or inſult us. Upon ſuch Occaſions, I hope, we will always ſhew ourſelves as ready to ſupport the Honour of our King, as he is to ſupport the Intereſt and juſt Rights of his People.

'It;

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'It may, Sir, have been generally obſerved as a Rule in Parliament, not to enquire into any foreign Affair while it is upon the Anvil; but, even this Rule is not without Exception, eſpecially if any Affair ſhould be continued too long upon the Anvil; for its being ſo, may be a good Reaſon for a parliamentary Enquiry. But, after either Houſe of Parliament has reſolved to enquire into any Affair, foreign or domeſtick, was it ever pretended, that they ought not to call for every Paper neceſſary for giving them a full Light into that Affair? Does not every one know, that it has always been, and always muſt be, the Cuſtom of this Houſe, when any Affair is, according to Order, to come before us, to call for all Papers which we can ſuppoſe to have any Relation to that Affair? In ſuch Caſes, if among the Papers called for, there be any which ought not, for the Sake of publick Good, to be expoſed to publick View, it is the Buſineſs of the Crown to tell us ſo; but, this is an Anſwer we ought not to take from any of our own Members, let him know ever ſo much of the Secret of Affairs. That, Sir, is a Knowledge I don't envy him for; but I ſpeak as a Member of this Houſe, and therefore ſay that no Gentleman can take upon him to dictate what Papers are proper, and what are unproper for our Inſpection. The Anſwer laſt arrived from Spain is certainly a Paper which relates to the Affair we have reſolved to enquire into; it is, in my Opinion, the moſt principal Paper, and a Paper without which we cannot come to any proper Reſolutions; therefore we certainly ought to call for it; and, if it be of ſuch a Nature as that it ought not yet to be made publick, his Majeſty, in his Anſwer, will certainly tell us ſo. When his Majeſty has told us ſo, we may then conſider, whether it may not be proper for us to put off an Enquiry into this Affair, till we can have a Sight of that Paper; but, till we have ſuch an Anſwer from the Crown, and from the Crown only it is that this Houſe can take ſuch an Anſwer, there cannot, in my Opinion, be any Colour of Reaſon for our not calling for a Sight of it. What the Anſwer from the Crown may be, I ſhall not pretend to gueſs at; but I muſt ſay, I cannot at preſent ſuggeſt to myſelf any one Reaſon for thinking that Anſwer of ſuch a Nature, as that it may not be ſafely communicated to this Houſe. If it be merely diſſatisfactory, it can neither inflame nor hurry us into any violent Meaſures; and, if it be menacing or inſulting, it ought to be expoſed for that very Purpoſe. In private Life, a Man may be my Friend, and may have been ſo for many Years; but, if once he begins to menace or inſult, from that Moment he ceaſes to be ſo; and, nothing but an abject, ſordid Spirit, will patiently ſubmit to ſuch Treatment, for the Sake of any ſelf-intereſted View whatever.

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'There is therefore, I think, Sir, not the leaſt Foundation for being afraid, leſt our Reſentment ſhould be ſtirred up beyond its juſt Bounds, by that Paper's being laid before us; and, as for the Honour of the Court of Spain, I wiſh ſome Gentlemen may not have had both formerly and of late too great a Regard for it: I wiſh they may not have ſacrificed ſome of the moſt ſubſtantial Points of Engliſh Honour, to ſome of the moſt romantick Punctilio's of Spaniſh Honour. For my Part, I ſhall always think, that, in national Affairs, as well as in private Life, even the Punctilio's of Honour ought to be inſiſted on, when we have to do with thoſe who, on their Parts, do inſiſt upon them; for then they become material. But, Sir, as I ſhall always have a much greater Regard for the Honour of this Nation, than for that of any other, if the Court of Spain, or any other Court in Europe, ſhould entertain ſuch whimſical Notions of their Honour, as might prevent their doing Juſtice to us, I ſhould think it inconſiſtent with the Honour of this Nation, not to take ſuch Meaſures as might be proper for giving them different Notions, both of their own Honour and of the Juſtice that is due to us.

'I am as much averſe, Sir, to the involving of this Nation in a War, eſpecially with Spain, as any Gentleman can be; and therefore, notwithſtanding the many Injuries and Inſults we have ſuffered, I am againſt coming to an open Rupture, if there be any reaſonable Hopes left of obtaining a proper Redreſs in a peaceable Manner; but, for God's ſake, Sir, when are theſe Hopes to be at an End? In this Reſpect, I am ſure, it cannot be ſaid, but that we have already hoped ſufficiently; we have hoped, and hoped, and hoped again; but, by what yet appears, we have, I think, hitherto hoped in vain. What if we ſhould now put a Period to our pacifick Hopes, and begin to put on other Hopes, I mean thoſe of acting ſuch a Part as may become a brave but injured People: It is true, that Means may be fallen upon to diſappoint even thoſe Hopes. Nay, Sir, it is certain that no Nation can be aſſured of Succeſs, even in the juſteſt Quarrel, and ſupported with the greateſt Force; but will this Uncertainty ever be a Reaſon with any brave Man, or powerful Nation, to bear tamely with repeated Injuries and Inſults? When there is a juſt Cauſe for War, we ought certainly to take all prudent and neceſſary Meaſures for ſecuring Victory on our Side, and when we have done ſo, we muſt truſt the Event to Providence. Now, Sir, I ſhould be glad to know, whether, in our Deliberations on this Affair, we are to enquire what reaſonable Hopes we may have of obtaining Redreſs in a peaceable Manner; becauſe, if this be one of the Points that is to fall under our Con-

Consideration, and that it is I am hardly think any Gentleman will seriously deny, it is absolutely impossible for us to determine this Question, without having the last Answer from Spain: and therefore, it is absolutely necessary for us to call for that Answer in particular, if we are seriously resolved to make a thorough Enquiry into this Affair, and to come to such Resolutions as may be worthy of a British Parliament.

Prudence and Parliamentary, Sir, in private Life, is what every Gentleman well knows to be widely different, and even with respect to national Affairs, are not Words of such an intricate or unintelligible Nature but that they may be understood by Parliaments as well as Members. Even a Parliament may avoid Parliamentary, without running into rash or precipitate Measures; and if our Ministers, or any other of our private Councils, have been guilty of Parliamentary, our Parliament may correct it by their Prudence. The Wisdom of Parliament, is the Wisdom of the Nation: and in all national Affairs of great Importance, surely the Wisdom of the Nation ought to be consulted. We are not to conclude, that such a Step must necessarily and unavoidably throw us into a War; and much less are we to conclude, that the laying of this last Answer, or any Answer, from Spain, will necessarily produce such an Effect. On the contrary, a strict Parliamentary Enquiry into this Affair, may prevent an open Rupture. The Court of Spain, if it is in the Wrong, will then see we are serious; they will from thence conclude, we are no longer to be dallied with, and may probably shew more Respect to the Interposition of Parliament, than they have ever shewed to the Negotiations of our Ministers. If they are not in the Wrong, which may be the Case; for tho' they have certainly done us many and great Injuries, yet their having done so, may, for what we know, proceed from our having first done Injuries to them; and their refusing or delaying to make Reparation to us, may proceed from our refusing or delaying to make, or so much as to offer, any Reparation to them: If this be the Case, if our Ministers have been guilty of any Misconduct or unjust Obstinacy in this Respect, which I am far from suspecting they have, we cannot expect that they will immediately, and of themselves, acknowledge their Error, and change their Conduct; but whatever Faults they may have this Way been guilty of, will certainly, upon a proper Enquiry, be rectified by the Resolutions of Parliament; so that by laying this Affair fully before Parliament, a War may be prevented, which would otherwise be unavoidable; but without a thorough Enquiry into the Disputes between Spain and us from first to last, we cannot discover whether our Ministers have been guilty of any Misconduct or

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unjuſt Obſtinacy, and conſequently can come to no proper Reſolutions for rectifying their Miſtakes; and I am ſure, without ſeeing *every* Paper that has paſſed between the Courts relating to theſe Diſputes, we can make no thorough Enquiry.'

The next who ſpoke on the ſame Side was Lord Polwarth:

Sir,

Lord Polwarth.

'My honourable Friend has ſo fully opened the Reaſonableneſs of the preſent Motion, and ſo clearly anſwered the Right honourable Gentleman over the Way, that I am perſuaded I need to ſay very little.

'It is very true, Sir, as the Right honourable Gentleman ſeems to inſinuate, that we cannot gueſs from the Papers now called for, how the other Powers of Europe ſtand affected towards us, or what Aſſiſtance either we or the Spaniards might expect from any of them, in Caſe of an open Rupture between the two Nations. But as the Diſputes between Spain and us, have been depending for above theſe 20 Years; as the Obſtinacy of the Court of Spain has been very great, and as the Intereſts which we have depending upon a ſatisfactory Accommodations of theſe Differences are very great; we cannot but ſuppoſe, from the known Wiſdom and Foreſight of his Majeſty's Miniſters, that Care has been taken, by proper Treaties and Alliances, and by the many Negotiations we have lately carried on, to provide and ſecure to us all the Aſſiſtance we may ſtand in need of, or at leaſt to prevent any other Power in Europe from endeavouring to ſupport our Enemies, in any unjuſt Meaſures they may have been guilty of towards us. But ſuppoſe it were otherwiſe, which I am ſure no Gentleman will willingly ſuppoſe; are our Merchants to be plundered, and our Seamen cruelly uſed, for many Years together in the Time of profound Peace? Are they to come frequently to Parliament with Complaints of ſuch Treatment? And is a Britiſh Parliament always to content itſelf with preſenting an humble Addreſs to the Throne, praying that his Majeſty would uſe his Endeavours, for obtaining Satisfaction to his injured Subjects?

'Sir, This would be inconſiſtent with the Honour and the Duty of Parliament. In the Caſe of a domeſtick Grievance, if the Parliament ſhould addreſs to have it removed, and if, ſeveral Years after, a Petition ſhould be brought to Parliament, repreſenting that notwithſtanding their Addreſs, the Grievance remained, and was more heavy and frequent than before; what then would be the Buſineſs and Duty of Parliament? Would not they be in Honour obliged to enquire, how it came that the Grievance was not removed, to enquire at whoſe Door the Fault lay, and to puniſh thoſe who had been guilty?

guilty? With Reſpect to any foreign Grievance, our Duty is the ſame. The Grievances, the Injuries now complained of, and ſo often before complained of, are ſuch as no Nation ought patiently to ſuffer, if there be any Way of redreſſing them, either by fair or foul Means; and if there be no Way of redreſſing them, if by any Miſconduct the Nation be brought into ſuch a melancholy State, that we muſt ſuffer them, which God forbid! the Parliament ought to enquire into the Affair, if not to find a Remedy, at leaſt to puniſh thoſe who have made our Caſe remedileſs. Therefore I muſt think it incumbent upon us, to proceed now a little further. We have twice already addreſſed for having this Grievance removed: It is now high Time for us to enquire, how it comes that it has not been removed: But if we ſhould be ſo good-natured as to reſt ſatisfied with preſenting a third humble Addreſs, ſurely that Addreſs ought to be in different Terms from any of the former. I ſhall not pretend to tell what we ought to do, or in what Terms we ought to addreſs, nor can any Gentleman pretend to tell, till he has ſeen and deliberately examined every Paper relating to this Affair.

'The honourable Gentleman over the Way ſeemed to be in a mighty Panick, as if we could not agree to this Motion without breaking with Spain. For my Part, Sir, I have very few Apprehenſions of that Kind: Not that I ſhould wiſh, that we were to plunge ourſelves inconſiderately into a War with Spain: But, I believe, the Court of Spain knows too well the Way to prevent Things coming to an open Rupture. They at the ſame Time know what the Conſequence of going to War with us at preſent might probably be. Therefore, Sir, tho' we were to ſee theſe Papers, and to come to ſome vigorous Reſolutions, I am afraid they might, by a few fine gloſſing Overtures, bring us to treat again, and then we ſhould be juſt where we are now. But, Sir, let us ſuppoſe that we ſhould go to War; yet I do not foreſee any bad Conſequences for the Nation, for a juſt and caſual War never produces a ſettled Enmity between two Nations: Nothing but a perpetual Claſhing of national Intereſts, can produce ſuch a one; and even tho' a War ſhould produce ſuch an Enmity, it will always be more for the Intereſt, as well as Honour, of this Nation, that the People of Spain ſhould hate and fear us, than that they and every other Nation in the World ſhould contemn and deſpiſe us.

'I ſhould be extremely ſorry, Sir, to think that all thoſe who complain of our long Sufferings, with Reſpect to the Depredations committed by the Spaniards, are ſuch as are diſaffected

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diſaffected to his Majeſty and his Family: It would be a melancholy and a dreadful Proſpect, to every Man who has a true Regard for our preſent happy Eſtabliſhment; but I am ſure they are not. I know many of them, who would venture their Lives and Fortunes for the Support of our preſent Eſtabliſhment, with as much Alacrity as they would venture them in revenging the Inſults, that have been lately put upon us by the Spaniards. Moſt of thoſe who complain are fully ſenſible, and moſt will readily acknowledge, that his Majeſty can be no way to blame in this Affair. They know how ready he is, upon every Occaſion, to vindicate the Honour of his Crown, or aſſert the juſt Rights of his Subjects; but I doubt much if any of theſe People will make the ſame Acknowledgments with reſpect to all his Majeſty's Miniſters. Who are to blame, or what way they are to blame, thoſe who complain do not know, nor can I tell them, till I ſee the Papers now called for; but conſidering the Power of this Nation, when compared with that of Spain, and conſidering the many Opportunities we have lately had, for obtaining or compelling from Spain a full Satisfaction and Security, every Man concludes, that ſome Perſons amongſt ourſelves muſt be to blame, for our having ſo long and ſo patiently ſubmitted to ſuch Indignities. If the honourable Gentleman has a Mind to remove all Cauſe of Suſpicion from himſelf, the beſt Thing he can do is, not to oppoſe any Thing that may tend to the clearing up of this Affair; and therefore, I think, if he has any Regard for the Opinion his Countrymen may entertain of him, he ought to withdraw the Amendment he has been pleaſed to offer, and join with us in calling for the late Anſwer from Spain, as well as every other Memorial or Anſwer they have ſent us upon the ſame Subject.

'What may be in the Papers relating to this Affair, which are now upon our Table, or what Juſtification any Gentleman in the Adminiſtration may expect from any of them, I do not know; for, I neither have been at the Pains to examine them ſtrictly, nor ſhall be at any ſuch Pains, till the Whole be laid before us; and, I hope, the honourable Gentleman will not think, that this Neglect or Indolence in me, proceeds from any Unwillingneſs to vindicate him or any other Gentlemen concerned in theſe Tranſactions; but really from an Opinion, that I cannot make myſelf Maſter of the Affair, or paſs any Judgment relating to it, till the Whole be laid before the Houſe; and, when that is done, I can aſſure him, I ſhall be extremely glad, tho' I muſt ſay, I ſhall be a little ſurprized, to find, that we have been guilty of no Miſtake or Blunder, in this long, tedious, and perplexed Negociation. If this ſhould be the Caſe, it muſt be allowed, that,

at, if we have not, within theſe twenty Years, added much to our Character of Fighting, for which we were always famous, we have acquired a new Character, for which we were never famous, I mean, that of being cunning Negociators, and cautious Treaty-makers; this at leaſt is ſome Comfort to the Nation; and if our long Negociations with the Court of Spain have been carried on with the Firmneſs, the Reſolution, and the Prudence, which ſo delicate, ſo material, an Affair required, I ſhall then congratulate the honourable Gentleman upon the new Honour the Nation has acquired by his Means, or by the Means of ſome of his Friends. However, Sir, I cannot help thinking it ſomewhat ſuſpicious, that none of the right honourable Gentleman's Friends have attempted to vindicate his and their own Conduct from the Papers lying upon our Table, ſince they ſeem to think it would be very eaſy to do it. This I think would be of very great Service to him; and I am ſure it cannot be ſaid, he wants Friends, who have Hearts to undertake, and Heads to execute ſuch a Deſign, in the moſt elegant, the moſt polite, and the moſt convincing Manner.

'Upon the Whole, Sir, there is nothing can contribute more to the Good of the Nation, nothing can ſo effectually prevent our being obliged to come to an open Rupture, as our ſhewing that we are unanimous, and peremptorily reſolved to be at the Bottom of our preſent Diſputes with Spain, and to put an immediate End to them, either by the Pens of our Miniſters, or the Mouths of our Cannon. If we begin, in the very firſt Step, with mincing the Matter, and ſeeming to be afraid, leſt we ſhould diſoblige the Court of Spain, by any Reſolution we may come to, no Man either abroad or at home will believe we are ſerious, nor will the Court of Spain think of making any new Offers, or giving plain and explicit Anſwers. Therefore, if there were no Neceſſity for our ſeeing the laſt Anſwer from Spain, I ſhould be for calling for it, for this Reaſon only, becauſe it has been moved for.

'The calling for the laſt Anſwer from Spain, Sir, or any other Paper relating to the Affair we have agreed to enquire into, is not againſt any Rule obſerved in our Proceedings; it can be attended with no preſent Danger, nor can it be a Precedent of dangerous Conſequence in Time to come; becauſe, all thoſe Papers, and the laſt Anſwer in particular, are abſolutely neceſſary for the Enquiry we have reſolved to make. If Gentlemen indeed will ſay, that an Inquiry is improper and needleſs, with all my Heart, let them put it on that Footing; but it would be ridiculous for us to think of enquiring without ſeeing every Paper that has been ſent from the Court of Spain.

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'What Intereſt, Sir, or what private End, the honourable Gentleman, or any of his Friends, may have, or if they have any, for concealing any Memorial or Anſwer from Spain, I ſhall not take upon me to determine; but, I have already ſhewn, that he and his Friends are not abſolutely unconcerned, even as to the Papers that have been penned or adviſed by the Court of Spain; becauſe the Meaſures of every Court are always influenced by the Meaſures of others, eſpecially thoſe with whom they negotiate: Therefore, his preſent Oppoſition may afford ſome Suſpicion of his being afraid, leſt the laying of thoſe Papers before the Houſe ſhould occaſion an Enquiry into his Conduct, or into the Conduct of ſome of his Friends; but, I am far from conceiving any ſuch Suſpicion; I hope his Conduct and Behaviour has in this Reſpect, as well as every other, been ſo wiſe and upright, that he fears no impartial Enquiry into his own Conduct; and, I cannot allow myſelf to think, he would deſire to prevent an Enquiry into the Conduct of any of his Friends; becauſe, if they have behaved in the ſame Manner he has done, an impartial Enquiry into their Conduct would redound to their Honour; and, if any of them have behaved otherwiſe, I am ſure he would ſcorn to think of endeavouring to skreen the Guilty.

'Having ſaid thus much, Sir, I ſhall conclude with my earneſt Wiſhes, that the Houſe would agree with my honourable Friend's Motion; indeed I think it will be for the Honour of Parliament, and, I hope, the honourable Gentleman has no private End to ſerve by oppoſing the calling for, or even publiſhing any one of them: Therefore, for the Sake of Unanimity, and for the Sake of perſuading the World that we are ſerious in what we are about, I muſt hope, he will withdraw the Amendment he has been pleaſed to offer, and agree to the Motion as it was at firſt propoſed.'

The next that ſpoke was Horace Walpole, Eſq; whoſe Speech was in Subſtance as follows, viz.

Sir,

Horace Walpole, Eſq;

'Tho' it would be very reaſonable to put off the Conſideration of ſo important an Affair, and ſo unexpectedly brought before the Houſe, as the preſent Motion has been, to another Day; yet, as the right honourable Gentleman, who is principally concerned in the Fate of this Queſtion, has made no Motion for that Effect, neither ſhall I, but proceed to conſider what has been advanced by the honourable Gentleman who ſpoke laſt againſt the Amendment. I muſt ſay, I am glad to hear the honourable Gentleman who ſpoke laſt, acting ſo much the Part of a Friend towards the honourable Gentleman that ſpoke before him, as to offer him his ſincere Advice. Whatever Advice the honourable Gentle-

Gentleman may be pleaſed to offer, either upon this or any other Occaſion, will always, I am convinced, be gratefully received, and will be of great Weight with my honourable Friend near me; but, in the preſent Caſe, I doubt much if his Advice will be taken; I do not, indeed, think it ought. I ſhall readily grant that in all Caſes a Man ought to conſult, and have a Regard to his own Safety, and that he ought to thoſe that Method of ſpeaking and acting, which will leaſt expoſe him to Danger; but, in all Matters of a publick Concern, I hope it will be allowed, there is a ſuperior Conſideration: The Safety of a Man's Country is what he ought to prefer even to his own Safety; and every Gentleman in this Houſe, eſpecially thoſe Gentlemen who pique themſelves upon their Patriotiſm, will certainly do ſo upon all Occaſions.

'Conſidering the Uncertainties of War, as well as the Uncertainty of all Events which depend upon foreign Negociations; and, conſidering how much the Judgment of the inferior Sort, and the Reſolutions or Behaviour even of the better Sort, depend upon the Event of Things; I do not know, Sir, but that, if my honourable Friend near me conſulted only his own Safety, he would take the Advice that has been given him: He would chuſe to have our future Conduct proceed from the Reſolutions of Parliament, and would for that End adviſe laying every Paper relating to the Affair now under our Conſideration before Parliament: But if he really thinks, the laying of all thoſe Papers before Parliament, would tend to the Prejudice of his Country, he ought to oppoſe it, whatever may be the Event of that Oppoſition with reſpect to himſelf; and if, in ſuch a Caſe, for the Sake of his Country, he runs the Risk of drawing upon himſelf the Reſentment of his Country, it muſt be allowed, he acts the Part of a true Patriot.

'I know, Sir, the Part which the honourable Gentleman upon the Floor has acted all along in the Difference betwixt Spain and us, to be ſuch as gives him no Room to fear any Diſcovery to his Diſadvantage, from the Papers that have been moved to be laid before us. Therefore, Sir, the right honourable Gentleman's Oppoſition to this Motion, muſt proceed from other Motives than perſonal Fear. I am convinced, Sir, that he is perſuaded, that if the leaſt Anſwer from Spain were laid before us, it would produce Conſequences inconſiſtent with the Peace of Britain: And I own, Sir, that I myſelf am of the ſame Opinion; I am of Opinion Sir, that our calling for theſe Papers is abſolutely againſt the uſual Forms of our Proceeding; for I believe there is no Precedent of this Houſe having called for any Paper that relates to a Negociation, while the Event of that Negociation

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was in Suſpence. Therefore, Sir, by our calling for all the Papers relating to this Negociation, we ſhall in Effect tell the World, that we are of Opinion, that his Majeſty's Endeavours to procure an honourable and ſafe Peace, are diſagreeable to the Nation, and contrary to the Senſe of Parliament. For, I believe no Nation would publiſh ſuch Papers with any other View, than that of breaking off all future Conferences upon that Subject; and the State with whom they had been in Negociation, would certainly look upon it as done with that Deſign, and would therefore reſolve not to treat with them any longer in a friendly and peaceable Manner: Therefore, if it be more for the Good of the Nation to have this Affair accommodated in a private and peaceable Manner, than to have recourſe to an open and warlike Method, it muſt be inconſiſtent with the publick Good to have all the Papers now called for laid before the Houſe.

'Sir, the publiſhing of all the Anſwers from Spain, relating to the Affair now before us, would not only be looked upon by them, as done with a Deſign to break off all future Conferences upon that Subject; but, I believe, it would be looked upon by them as, and would really I think be, a Sort of Declaration of War. The publiſhing of thoſe Papers, would, in my Opinion, be the ſame with publiſhing a Manifeſto; for if War were to be declared, and a Manifeſto to be publiſhed, that Manifeſto muſt be drawn up chiefly from thoſe very Memorials or Anſwers which are now called for; and I can ſee no great Difference between publiſhing a Manifeſto, and publiſhing the Grounds and Reaſons upon which it muſt be founded, if ever it be publiſhed. The Deſign of ſuch a Manifeſto, if any ſuch Thing were to be publiſhed, would be, to repreſent in the ſtrongeſt Light the Inſults and Injuries put upon us by the Spaniards, and the Injuſtice and Frivolouſneſs of the Pretences they made uſe of, for behaving in ſuch a Manner towards us, or for delaying to give Satisfaction; and this can be done only from the Papers now called for. As for the Inſults and Injuries we have ſuffered, they are already too publick: They have been publiſhed, and, I believe, even aggravated, with great Care and Induſtry; and therefore, thoſe Papers that give an Account of them, may be laid before us without any Danger. But as to the Pretences made uſe of by Spain, either for juſtifying thoſe Inſults and Injuries, or for delaying to give a full Reparation and Satisfaction, they are not yet publickly known, nor ought they to be made publick, as long as there are any Hopes of getting the Spaniards, by peaceable Means, to paſs from the Pretences they now make uſe of, and to make Satisfaction for paſt Injuries, as well as to give a proper Security againſt any ſuch in Time to come. When we can no longer

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entertain any ſuch Hopes, it will then be Time to publiſh and expoſe the Frivolouſneſs of the Pretences they make uſe of; but this ought to be done only by Way of Manifeſto from his Majeſty, in order to juſtify the Force he then finds himſelf obliged to make uſe of; and I am ſure no Manifeſto, nor any thing like a Manifeſto, ought to publiſhed, till we are prepared to back it with ſuch a formidable Armament, as may be ſuitable to the Power of this Nation, or neceſſary for compelling our Enemies to ſubmit to reaſonable Terms; otherwiſe, Sir, we ſhall appear not only weak, but ridiculous.

'It is very eaſy, Sir, to talk big, either within Doors or without; and, conſidering the Spirit of Reſentment that has been induſtriouſly ſtirred up in the Nation, I know, it would be mighty popular in us, to come to vigorous Reſolutions immediately; but I do not know, if it would be mighty wiſe. I am ſure, it would not be wiſe, as long as there are any Hopes of obtaining Redreſs by peaceable Means; and even when we are come to an End of all our Hopes in this Way, we ought not to begin to talk, till we are ready to act. In this we ought to follow the Example of that Sort of Animal which is peculiar to this Iſland; and therefore I am not aſhamed to recommend its Example to my Countrymen: I mean, our brave Engliſh Bull-Dog, who always ſeizes upon his Enemy at once, and without making the leaſt Noiſe before-hand. Threatening Speeches, or even threatning Reſolutions, are but Words. They are *Vox & præterea nihil*; and therefore the leſs they are made uſe of, the better: But if any ſuch are ever made uſe of, they ought to be inſtantly followed with ſuitable Actions; for if they are not, thoſe who have injnred us, will deſpiſe our Menaces, and the whole World will laugh at our Folly.

'When one Nation, Sir, has been inſulted or ill-uſed by another, and no Redreſs can be obtained by fair Means, it is without Doubt extremely proper, and even neceſſary, for thoſe who are concerned in the Government of the injured Nation, to publiſh and ſet the Injuries they have ſuffered in the ſtrongeſt Light. This Method has been always thought adviſeable, as it gives the Subject a good Opinion of the Cauſe, and makes him contribute with Pleaſure towards carrying on the War; but this ought not to be done till the Court is both reſolved and ready to come to an open Rupture. Now, as thoſe who are concerned in the Government of a Nation are the beſt, if not the ſole Judges, not only of the Time when they ought to reſolve, but likewiſe of the Time when they are ready and prepared to come to an open Rupture; therefore, in my Opinion, they are the only Perſons that ought to be allowed to endeavour to ſtir up what is called a national

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Reſentment. For this Reaſon, I cannot but think, that ſome of thoſe Gentlemen who have been lately ſo buſy in ſtirring up the Reſentment of our People againſt the whole Spaniſh Nation, have gone a little beyond their Sphere: They have been acting a Part they were no Way qualified for, either by their Knowledge of publick Affairs, or the Station they happened to be in. They have been doing all that they could to involve the Nation in a War, when, for what they knew, we were in a fair Way of obtaining Redreſs by peaceable Meaſures; or perhaps, when our Circumſtances, neither at home nor abroad, could allow us to come to an open Rupture. In either of which Caſes it muſt be allowed, they have been doing their Country an Injury; for, with reſpect to the former, if we ſhould have obtained, or ſhould yet obtain Redreſs by peaceable Meaſures, they have been doing an Injury to their Country, by endeavouring to ſtir up and eſtabliſh among our People, an Enmity to a Nation, with which an honourable Member, who has ſpoke in this Debate, has owned it is our Intereſt to be in perpetual Friendſhip; and even thoſe who ſhould at laſt be obliged to come to an open Rupture, yet they have done an Injury to their Country, by beginning too early to ſtir up the Reſentment of our People; becauſe, when the Reſentment of a People is too ſoon ſtirred up, it is apt to evaporate before it produces the proper Effect.

'Thus, Sir, it muſt appear, that thoſe buſy Intermedlers in publick Affairs have been doing an Injury to their Country, whatever may be the Effect of our preſent Negociations; and ſuppoſing we were in Circumſtances proper for encouraging us to declare War: But, if we were not in ſuch Circumſtances, they were endeavouring to do a moſt notable Injury to their Country; for ſurely, no greater Injury can be done to a Country than that of involving it in a War, when it has no Proſpect of being able to proſecute the War with Advantage. It was a Maxim with Julius Cæſar, never to venture even a Battle, if the Diſadvantages that might enſue from a Defeat appeared to be greater than any Advantages he could expect from a Victory; and in Africa, we are told, that he bore with many Inſults and Indignities from the adverſe Army, only becauſe by a little Patience he had Reaſon to expect being able to obtain a Victory with leſs Blood-ſhed. In reſolving upon War or Peace, the ſame Maxim ought to be obſerved; which makes the Queſtion of ſuch an intricate Nature, that none but thoſe who are thoroughly acquainted with the Circumſtances of a Nation, can, or ought to deliberate upon it: Therefore as we cannot pretend to be thoroughly acquainted with the preſent Circumſtances of the Nation, we ought not to do any thing, nor

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deſire any thing to be done, that may tend towards involving the Nation in a War; and till his Majeſty acquaints us that he is reſolved upon, and prepared for an open Rupture, we ought not to call for any Paper, that may, for what we know, tend to confirm, and even irritate that national Reſentment, which has been already moſt imprudently, if not ſeditiouſly, ſtirred up.

'From what I have ſaid, Sir, I think it is evident, that the Memorials or Anſwers from Spain, eſpecially the laſt, are in all Probability Papers of ſuch a Nature, that they cannot yet be communicated to this Houſe. So far indeed I agree with the honourable Gentleman, that the Houſe is not obliged to take my Word, nor that of any other Member, as to the Contents of thoſe Papers; but it has always been obſerved as a Rule in this Houſe, to call for no Papers, but ſuch as we had Reaſon to believe, the Crown might ſafely communicate to us. Surely we are not to court a Denial from the Crown; and upon the preſent Occaſion, we ought to be more cautious in this Reſpect than at any other Time. Every one knows how loth his Majeſty is to deny any Thing to his Parliament. Nothing but the publick Good will ever prevail with him to do ſo; and even in ſuch a Caſe, it would be with the utmoſt Reluctance and Uneaſineſs. I am perſuaded every Gentleman that hears me, has ſuch a dutiful Reſpect for his Majeſty, that he would not propoſe or agree to any thing, that might unneceſſarily give him a Moment's Diſquiet; but in the preſent Caſe, a Denial from the Crown might be attended with Conſequences ſtill more fatal. It would make all other Foreigners, as well as the Spaniards, who do not well underſtand our Conſtitution, imagine, that there was no good Harmony between his Majeſty and his Parliament; which would of Courſe render the Spaniards leſs pliable than they are at preſent, and conſequently might not only prevent our being able to obtain Redreſs in a peaceable Manner, but might even prevent our being able to form proper Alliances for obtaining it by Force of Arms.

'It has been ſaid, Sir, that all the Papers now called for, are abſolutely neceſſary for the Enquiry we have already reſolved on. This, in my Opinion, is very far from being the Caſe. We have reſolved to take the Petitions now preſented to us into our Conſideration. In purſuance of this Reſolution, we cannot regularly enter into any Enquiry, but that which relates to the Truth of the Facts ſet forth in the Petitions; and ſurely we can expect no Proof of thoſe Facts, from any of the Spaniſh Memorials. When we have examined into thoſe Facts, and found ſome or moſt of them to be true, which, I believe, will be the Caſe, ſuch a Diſcovery may give a Foundation for our reſolving upon another Enquiry'

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quiry; and upon that future Enquiry, it may be thought neceſſary for us to ſee the Memorials or Anſwers from Spain. If this ſhould be the Caſe, they may then be called for; but till then, I cannot find we have the leaſt Occaſion to examine into any one of them.

'As for an Enquiry into the Conduct of thoſe who have been concerned in our late Negociations with Spain, Gentlemen may enter into it when they pleaſe; but I hope they would not, for the Sake of puniſhing our Negociators, ſuppoſing they have been guilty of Miſtakes, reſolve to puniſh the Nation, by involving it in a dangerous and expenſive War, which in all probability might have been otherwiſe avoided. I have had ſome Hand, Sir, in ſeveral Negociations; but, I think it cannot be ſaid, I had ever any Share in any of our Negociations with Spain: However, I know ſomething of them, and from what I know, from what is publickly known, I muſt obſerve, that ſome Gentlemen ſeem to be in a ſurpriſing Miſtake as to theſe Negociations. They ſeem to inſinuate, as if we had been negociating with Spain for above twenty Years without any Effect. Surely, Gentlemen cannot have forgot, that, within theſe twenty Years, there have been two publick and famous Treaties between Spain and us; by each of which they promiſed full Reparation for all paſt Injuries, and that no ſuch Injuries ſhould be committed for the future. We all know, that in the Year 1721 a Treaty of Peace was concluded at Madrid between Spain and us, which was the ſame Year confirmed by the Treaty of Alliance between Great Britain, France, and Spain; that by the ſecond Article of the ſaid Treaty, 'all former Treaties were confirmed;' and that by the third Article, his Catholick Majeſty expreſly promiſed, 'that all the Goods, Merchandizes, Money, Ships, and other Effects, which had been ſeized, as well in Spain as the Indies, ſhould be ſpeedily reſtored in the ſame Kind, or according to the juſt and true Value of them, at the Time they were ſeized.

'I am not, Sir, to anſwer for every Step that brought on that Treaty; ſome Gentlemen, perhaps, know more of them than I do, but I will venture to ſay, Sir, that we muſt from hence ſuppoſe, that by this Treaty an End was put to all Negociations before that Time; and that from this Treaty our Miniſters had Reaſon to expect full Reparation for all paſt Injuries, and a Security againſt all ſuch in Time to come; but ſome new Differences having afterwards ariſen between the two Nations, a new Treaty was ſet on Foot, which was afterwards concluded at Seville, in the Year 1729. By this new Treaty a Reparation for paſt Injuries, and a Security againſt future, were again expreſly ſtipulated; for, by the firſt Article, 'all former Treaties of Peace, Friendſhip,

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' and Commerce, are renewed and confirmed;' and they expreſly promiſe, ' not to do any Thing, nor ſuffer any Thing ' to be done, that may be contrary thereto, directly or indirectly.' By the fourth Article, it is ſtipulated, ' particularly, that the Commerce of the Engliſh Nation in America ſhould be exerciſed as heretofore; and that Orders ' ſhould be diſpatched, without any Delay, as well for the ' Execution of the ſaid Treaties of Commerce, as for ſupplying ' what may be wanting for the entire Re-eſtabliſhment of ' Commerce, on the Foot of the ſaid Treaties and Conventions.' And by the ſixth Article it is agreed, ' that Commiſſaries ſhould be nominated within four Months after the ' Exchange of the Ratifications, for examining and deciding ' the reſpective Pretenſions which related to the Abuſes ſuppoſed to have been committed in Commerce, as well in the ' Indies as in Europe, and all the other reſpective Pretenſions ' in America, whether with reſpect to the Limits, or otherwiſe;' and they promiſe, ' to cauſe to be executed punctually and exactly, what ſhould be ſo decided by the ſaid ' Commiſſaries, within ſix Months after their making their ' Report;' which Report they were, by the eighth Article, to make within three Years, to be computed from the Day of the Signing of that Treaty.

' Accordingly, we know, Sir, that Commiſſaries were reſpectively nominated; but by various Accidents the Meeting of theſe Commiſſaries was delayed till the Beginning of the Year 1732; and therfeore the Time for their finiſhing their Commiſſion, and making their Report, was prolonged to the End of three Years after their firſt Meeting; ſo that the Negociations, upon the Footing on which they are at preſent, cannot be ſaid to have commenced till the Beginning of the Year 1735, and therefore cannot be ſaid to have laſted above three Years; and from conſidering theſe Treaties, eſpecially the laſt, and the ſeveral Steps that have been made by us ſince that Time, it muſt be granted, I think, that we have done all that a prudent and wiſe People could do for obtaining, in a peaceable Manner, a full Reparation for all paſt Injuries, and an abſolute Security againſt our being expoſed to any ſuch in Time to come. If there is any Fault therefore, it muſt be wholly attributed to the Spaniards, who have refuſed or neglected to perform the repeated ſolemn Engagements they have entered into with us; but with regard to their Behaviour towards us, or whether the Breaches of Promiſe they have been guilty of can warrant an immediate Rupture, is an Enquiry which cannot come regularly before this Houſe; nor ought we, by our Conſtitution, to attempt any ſuch Enquiry: It is an Enquiry which ought to be left entirely to his Majeſty's Wiſdom and Juſtice; becauſe, from thence

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thence it is that Peace or War muſt be determined; and, I hope, it will be admitted, that our pretending to determine this Caſe, would be an Incroachment upon the Prerogative of the Crown.

'The Parliament, 'tis true, Sir, is the great and the ſupreme Council of the Nation, and conſequently it is the Council in which our King ought to put his chief Confidence, and which he ought to conſult upon all important Affairs, when thoſe Affairs are brought to ſuch Maturity, or to ſuch a Criſis, as to be ripe for being made publick; but no Man will pretend, that the Parliament is a ſecret Council, or, that any Affair ought to be laid before Parliament, till it can be ſafely communicated to the Publick. Negociations of all Kinds are of ſuch a Nature, that while they continue in the Shape of Negociations, they ought to be kept inviolably ſecret; and, it is for this Reaſon that, by the Excellence and Wiſdom of our Conſtitution, the Power of making Peace or War is lodged ſolely in the Crown; becauſe, for the Good of the Nation, it is abſolutely neceſſary, that all the Steps we make towards a Peace, ſhould be kept ſecret, till a Treaty is actually concluded for that Purpoſe; and likewiſe it is neceſſary, that all the Steps we make towards a War, nay, even our Preparations for War, ſhould be kept as ſecret as poſſible, till a War is actually declared, or at leaſt juſt ready to be declared. In the preſent Caſe, if our Negociations with Spain ſhould end in a Treaty, which I hope they will, and I dare ſay every Gentleman here wiſhes his Country ſo well as to hope the ſame, his Majeſty will then, without doubt, communicate that Treaty to his Parliament; and, on the other Hand, if our preſent Negociations ſhould prove abortive, if his Majeſty ſhould at laſt find, that nothing will prevail but the *Ultima Ratio Regum*, he will certainly make ſuch Alliances, and take ſuch Meaſures, as he in his great Wiſdom may think proper or neceſſary, for rendering the Iſſue of that War advantageous and glorious to this Nation; and when he has not only fully reſolved upon War, but is fully prepared for coming to an open Rupture, he will then communicate to his Parliament the ſeveral Steps he has taken, and all the Papers that may be neceſſary for giving them a ſufficient Light into the Affair. This, I ſay, Sir, we may be aſſured of, from his Majeſty's known Wiſdom, and from the Condeſcenſion he has always ſhewn towards his Parliaments; therefore, we ought to be extremely cautious in calling for any Papers, that may tend towards rendering publick any preſent Negociation his Majeſty may be engaged in; and as this would probably be the Conſequence of laying any of the late Memorials or Anſwers from Spain before

before us, we ought to ſuſpend our Curioſity, till his Majeſty may think it proper to communicate them.

'I hope, Sir, I have now clearly ſhewn, that none of the Memorials or Anſwers from Spain can be ſaid to be neceſſary for any Enquiry we have as yet reſolved on; and that the communicating of any of them to this Houſe, or even our calling for them, would be of dangerous Conſequence. Then, as to the Unanimity of our Proceedings, I cannot but think it is as ſtrong an Argument for prevailing with the honourable Gentleman who made the Motion, to agree to the Amendment propoſed, as it can be for prevailing with my hononourable Friend to withdraw the Amendment he has offered; therefore, whatever Regard he may have for the honourable Gentleman who was ſo good as to offer him Advice, I hope he will, upon the preſent Occaſion, take the Liberty to refuſe it; and, I hope that, for the Sake of Unanimity, the honourable Gentleman who made the Motion, will be the firſt to agree to the Amendment that has been offered.'

Sir William Windham ſpoke next:

Sir,

Sir Wm. Windham.

'When the honourable Gentleman who propoſed the Amendment, firſt gave his Reaſons againſt ſome Part of the Motion that has been made to us, I was pretty much inclined to agree with him in Opinion; but ſince I have more fully conſidered the Circumſtances of the Caſe before us, and have heard what has been ſaid on the other Side of the Queſtion, I muſt be for agreeing to the Motion without any Amendment; therefore I hope the honourable Gentleman will take the Advice that has been offered him, and give up his Amendment, notwithſtanding what has been ſaid to the contrary by his worthy Friend near him; for, I think, no Man can more effectually ſhew his diſintereſted Regard for the Good of his Country, than by contributing as much as he can towards ſhewing to the World, that we are not only ſerious but unanimous upon the preſent Occaſion.

'If Peace, Sir, be a deſirable Thing, there is, in my Opinion, nothing that will contribute more towards our being able to procure a proper Redreſs, in a peacable Manner, than our agreeing unanimouſly to the Motion now made to us. I make no Queſtion but that an Expreſs will this very Night be ſent to the Court of Spain, and I hope that Expreſs will carry the News not only of our having agreed to this Motion, but of our having unanimouſly agreed to it. This, I ſay, I hope, nay I moſt heartily wiſh it may be ſo; becauſe I am convinced, that nothing can contribute more towards preventing our being obliged to come to Extremities;

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for I am ſure no Man will ſay but that we ought to come to Extremities, rather than continue any longer to ſit tamely under the Inſults and Indignities that have been put upon the Nation, in the Perſons of ſome of our moſt uſeful Subjects; and the beſt Way of obtaining Reparation and Security by fair Means, is to ſhew that we are reſolved to have it by foul, if it cannot be otherwiſe obtained. If by our Behaviour upon the preſent Occaſion, it ſhould be made apparent to the World, and particularly to the Court of Spain, that this is our Reſolution, it may probably render that Court a little more pliable than our Negotiators have ever yet found them; for in publick as well as private Life, the ſureſt Way of living in Peace and Quiet, is to gain and preſerve the Character of being ready, upon any juſt Provocation, to try the Fate of a Combat.

'I cannot comprehend, Sir, why it has been ſo much inſiſted on in this Debate, that it is the Intereſt of this Nation to keep up a good Correſpendence with Spain: I am ſure it is as much the Intereſt of Spain to keep up a good Correſpondence with us, as it is our Intereſt to live in Friendſhip with them; and former Experience has often ſhewn, that they have more Reaſon to be afraid of a Rupture with us, than we have to be afraid of a Rupture with them. They have, 'tis true, of late Years, ſet up ſome Pretences which are inconſiſtent with Juſtice and the Rights of this Nation: They have plundered our Merchants, and maletreated our Seamen; and they have refuſed, or unreaſonably delayed, to give us any proper Satisfaction. What can this be owing to? It is not owing to their being ignorant of their own Intereſt, or of the Danger they may expoſe themſelves to by coming to an open Rupture with us. It muſt be owing to ſome unaccountable Notion they have begun to entertain, that we are afraid of coming to an open Rupture with them; and while they entertain ſuch a Notion, they will never do us Juſtice in a peaceable Manner. How they came at firſt to conceive ſuch a Notion I do not know; but I muſt ſay, that by our late Patience and Forbearance, not only they, but all the World, I believe, begin to think that we will ſubmit to any Thing rather than engage in a War; and while this Opinion prevails, we may live in Peace, but I am ſure we cannot live at Eaſe, or in Quiet. It is therefore high Time to reſume the antient, and what, I hope, will always be found to be the true Character of this Nation. It is high Time, it is even become neceſſary for us to do ſomething for convincing the World that we are now, and always will be, ready to vindicate our Honour by Force of Arms, when we cannot obtain a full Satisfaction by peaceable Means; and upon the preſent Occaſion we can do this, only by agreeing

greeing unanimously upon the most vigorous Resolutions upon such Resolutions, as ought to be the immediate Consequence of the Treatment our Merchants and Sailors have met with. This is what has already been too long delayed; and it is what cannot now be regularly done without our having first seen, or at least called for, those very Papers which, by the Amendment, are proposed to be left out of the Motion.

'From what I have said, Sir, it will appear, that the chief, I may say the only Argument made use of against our calling for the Answers or Memorials from Spain, is really one of the strongest Arguments for it. The chief Argument made use of against our calling for these Papers is founded on a Supposition, that the laying of such Papers before us may interrupt the Course of our peaceful Negotiations, and involve the Nation in a War. Now will not our refusing, or even delaying, for such a Reason, to call for Papers, which are certainly extremely proper to be look'd into, upon the present Occasion, be a Testimony of our being terribly afraid of involving the Nation in a War? Will it not confirm the Notion, which I am afraid the Spaniards now entertain of us? Will it not make them conclude that we are more afraid of coming to an open Rupture with them, than we are fond of doing Justice to our injured Merchants? And as an Account of this Day's Debate will certainly be sent to the Court of Spain, will not they presume from thence, that they may still put off agreeing to any reasonable Terms, or offering any proper Satisfaction? This will of Course make it necessary for us to come to Extremities; so that like those private Men, who have the Misfortune to have a sheepish Look, or too much Modesty in their Behaviour, we may probably draw ourselves into a Quarrel, which a little decent Boldness might have prevented. From whence it is plain, that our agreeing to the Amendment the honourable Gentleman has been pleased to offer, will most probably lead the Nation into what he seems to be most afraid of; unless he thinks, which I am sure is far from being the Case, that we ought to bear patiently with all past Injuries, and submit tamely to all future, rather than run the Risk of a War.

'I shall grant, Sir, that no Negotiation, nor any material Paper relating to it, ought to be made publick, till that Negotiation be brought to a Period; but where neither Party has a Mind to amuse and deceive the other, every Negociation must soon be brought to a Period. The Protracting of any Negotiation, for a Number of Years, is a certain Sign, that one of the Parties at least has a Mind to amuse and deceive, as might be proved by a vast Number of Examples;

they

they are really reſolved to come to an open Rupture, rather than do us Juſtice, the Effect of ſuch a Reſolution would then indeed be, not to make them break off Conferences with us, but to make us break off Conferences with them; for as they are Defendants only, it is their Buſineſs to negotiate, as long as we will negotiate with them; and as we are Plaintiffs only, it is our Buſineſs to inſiſt upon a ſpeedy and a categorical Anſwer; and in Caſe of Refuſal or Delay, to break off all Conferences, and betake ourſelves to thoſe Means, which may probably prove more effectual. Can either of theſe be called an Effect which we ought to be afraid of? No, Sir, even the laſt, is an Effect which we ought to be fond off; for if a ſufficient Redreſs is not to be obtained without a Rupture, the ſooner we come to it the better: A State of War is more eligible than the uncertain, mongrel State we are in at preſent.

'But we are now told, Sir, that the preſent Negociations between Spain and us have not continued for above three Years; and to prove this, the honourable Gentleman who ſpoke laſt, has been pleaſed to give us a long Account of the many Treaties lately concluded between the two Crowns. No Man, 'tis true, is more able than he to give an Account of our late Treaties and Negociations; and I ſhall own my Obligation for the exact Account he has given of ſome of them; but, 'tis certain, and even that honourable Gentleman will, I believe, allow, that the Spaniards have been continuing their Incroachments and Depredations almoſt without Interruption for above twenty Years; and he will, I believe, likewiſe allow, that as yet we have obtained no Reparation for paſt Injuries, nor any Security againſt future. What is it then appears from the long Account he has given us of the late Treaties between Spain and us? Does it not from thence appear, that we have been for above twenty Years not only negociating, but actually concluding Treaties, in vain, and without the leaſt Effect? What Hopes other Gentlemen may put in our preſent Negociating I do not know; but for my Part I muſt declare, that I put no great Hopes in any Negociation we can carry on, or any Treaty or Convention we can make; and I muſt think I am juſtified in this Way of thinking, by the Account the honourable Gentleman has been pleaſed to give us of the late Treaties concluded between Spain and us. By theſe Treaties they have two or three Times already expreſsly promiſed full Reparation and Security: They have as yet performed none of theſe Promiſes. What Reaſon have we to think, they will be more faithful in the Performance of any Promiſe they may make by the next Treaty, or by any future Treaty? I am ſure, if they do ſhew themſelves more faithful

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faithful in Time to come, it will not proceed from our ſhewing ſuch a Backwardneſs in coming to an open Rupture with them, as ſome Gentlemen ſeem to ſhew upon the preſent Occaſion. No Nation in the World will perform a Promiſe, tho' made by the moſt ſolemn Treaty, if it be againſt their Intereſt to do ſo: They will always find Pretences for delaying or evading it, if they think they can do ſo with Safety; and they will always think ſo, if they have any Reaſon to believe, that the Nation, in whoſe Favour it was made, is ſo impotent or ſo cowardly, that they dare not attempt in a hoſtile Manner to revenge an Infraction of a ſolemn Treaty.

This, I am afraid, Sir, is the Caſe between Spain and us. We have been of late ſo paſſive, that, I fear, they have begun to think we will not, or dare not come to an open Rupture with them; and if this be their Way of Thinking, there is nothing will alter their Opinion, but a vigorous and well conducted War; ſo that by our Long-ſuffering and extreme Readineſs to oblige them, inſtead of avoiding a War, we have already made it become neceſſary. They may grant us the Favour of a new Treaty; they may by that Treaty again promiſe full Reparation and Security; but if they continue in the ſame Way of Thinking, thoſe Promiſes will be as ill-kept as any of the former. In my Opinion, it is therefore abſolutely improper for us, upon the preſent Occaſion, to ſhew the leaſt Concern about what may be the Conſequences of any Reſolution propoſed. An unanimous and hearty Concurrence in the moſt vigorous Reſolutions, may make them alter their Opinion of us, or may make them think, that we are reſolved to alter our Conduct with reſpect to them; and this I take to be the only Way of avoiding a War, which will otherwiſe, either now or very ſoon hereafter, become abſolutely unavoidable; unleſs we are reſolved always to ſubmit tamely to the ſame Sort of Injuries we have already ſuffered, and to forfeit our Character and our Trade in every Part of the World.

'I ſhall readily admit, Sir, that it would be ridiculous in us to talk big, or to come to vigorous Reſolutions, upon this or any other Occaſion, unleſs thoſe Reſolutions were to be followed by ſuitable Actions. Nay, I believe, it would be ridiculous in us to fit out formidable Squadrons, or to take great Armies into our Pay, unleſs thoſe Fleets and thoſe Armies were to be furniſhed with proper Orders or Inſtructions for enabling them to follow Words with Blows, in Caſe of any Denial or unreaſonable Delay of Juſtice. I know that threatening Memorials, are but Words; and, I believe, the honourable Gentleman talks from Experience, when he ſays, that ſuch Words will always be contemned,

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If People imagine they are not to be immediately followed with ſuitable Actions: But whatever Diſreſpect may have been ſhewn to the threatening Words or Materials of other Councils, I hope no Sign of Diſregard will ever be ſhewn to the threatening Reſolutions of a Britiſh Parliament. I hope no Nation will ever imagine, that ſuch Words are not to be followed with ſuitable Actions. The Kingdom of Spain, as well as one of her next Neighbours, has ſtill Reaſon to remember the Reſolutions of our Parliament in the Year 1701-2. From the Behaviour of the Nation at that Time, and for ſome Years after, they muſt conclude, that the threatening Reſolutions of a Britiſh Parliament will be followed, and ſpeedily followed, by ſuitable Actions. They have from thence good Reaſon to conclude, that, even at this Time, our Words will not only be followed with Blows, but that every Blow will be followed by another, till we bring our Enemies to reaſonable Terms; and as the Juſtice of our Cauſe is now as great as it was then, I am ſure our Enemies have no Cauſe to expect greater Favour from Providence, than they met with at that Time: Therefore, if they have any Hopes of Succeſs, it muſt be in our Miſconduct, or in the ſuppoſed Weakneſs of our Councils; and if they ſhould bring Things to Extremity, I hope they will find themſelves diſappointed in both.

'With reſpect to the general Reſentment, that now prevails over the whole Nation, againſt the Depredations committed by the Spaniards, however diſagreeable it may be to ſome Gentlemen, I muſt declare, that it is extremely agreeable to me; and it is ſo, becauſe I think it is juſt. I do not really know what the honourable Gentleman means by ſaying, that it has been ſtirred up by thoſe who had no Title to ſtir it up, or who did not know what they were about. I believe it has been ſtirred up by none but the Spaniards themſelves; for I have ſo good an Opinion of the Underſtanding of my Country-Men in general, as to believe, that their Judgment, and conſequently their Reſentment, as well as their Gratitude, depends upon the Nature of Things, and not upon what may be ſaid or wrote upon any Subject. For this Reaſon, if none of the Actions of the Spaniſh Guarda Coſta's had been unjuſt, if their Behaviour towards our Merchants had not been cruel and barbarous as well as unjuſt, I believe it would have been impoſſible to have ſtirred up ſuch a general Reſentment as now prevails againſt them, tho' all the beſt Pens in the Nation had been as much employed to throw their Actions into a malicious and invidious Light, as ſome of the worſt have been to palliate and excuſe, or rather juſtify their Behaviour towards us. I muſt therefore think, that it ſignifies very little

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little who they are that endeavour to ſtir up the Reſentment of the People; becauſe, if there is a juſt Cauſe for it, their Reſentment will riſe of Courſe; and if there is no Cauſe for it, no Art or Perſuaſion will be able to raiſe it. The Reſentment of the Nation is, 'tis true, come to a very great Height upon the preſent Occaſion, and if it ſhould evaporate before it produces the deſired Effect, it is eaſy to foreſee who will deſerve to be blamed; but tho' there are no People of a more generous and forgiving Temper than the People of this Nation, yet, I hope, they will never allow their Reſentment to evaporate: I hope they will neither forget nor forgive, till they ſee Juſtice done to ſuch of their Country-Men as have been injured, and a full Satisfaction made to the Nation for the Inſults that have been put upon it.

'I have now, I hope, ſhewn, Sir, that if we have a Mind to take the beſt Method for preventing a War, or obtaining Redreſs in a peaceable Manner, we ought to agree unanimouſly to the Motion without any Amendment. What the Anſwer from the Crown may be, I ſhall not pretend to determine, becauſe I know nothing of the Nature of any of the Papers called for; but ſurely our Addreſſing to have them laid before us can be of no Prejudice. Suppoſe his Majeſty ſhould think it inconſiſtent with the publick Safety to lay ſome of thoſe Papers before us, his being obliged to tell us ſo can give him no Diſquiet; becauſe it is a proper Anſwer, and an Anſwer which this Houſe has generally been ſatisfied with: It is an Anſwer which cannot make any Man, that has a Weight in any foreign Council, nor any Man of common Underſtanding at home, ſuppoſe that there is the leaſt Diſagreement between his Majeſty and his Parliament; becauſe we cannot ſuppoſe the Miniſters of any foreign Court we have to do with, nor any Man of Common Senſe at home, ſo ignorant of our Conſtitution, as not to know that the Parliament always leaves it to the Crown to determine, what Papers are fit to be laid before them; and never inſiſt upon a Sight of any Paper, after the Crown has told them that it is not ſafe to make it publick, unleſs when they have Reaſon to ſuſpect, that ſuch an Anſwer proceeds from evil Counſel, and from the ſelfiſh Ends of a Miniſter, in order to conceal ſome criminal or falſe Step he has been guilty of. Then, indeed, the Parliament would probably inſiſt upon having ſuch a Paper laid before them, and might perhaps addreſs the King to know who adviſed him to ſend ſuch an Anſwer; and then it might be ſuppoſed, both abroad and at home, that there was no great Harmony between the King and his Parliament, or at leaſt between his Miniſters and his Parliament; but ſurely, neither the honourable Gentleman who ſpoke laſt, nor any other, has the leaſt Ground to ſuſpect that this may be the Caſe at preſent;

t; and if it were, it would be the ſtrongeſt Argument for ing to the Motion, to the end that the Parliament t have an Opportunity of removing ſuch Miniſters his Majeſty's Councils; for if ſuch Men were at the of our Affairs, which I am ſure is not the Caſe at t, we could neither expect Regard or Confidence from n States, nor any Honeſty or good Conduct in our own s, with reſpect either to Peace or War.

Thus, I think, it appears, Sir, that our calling for the rials or Anſwers from Spain can be attended with no onſequence, even ſuppoſing them to be ſuch as can- ſafely communicated; and I have ſhewn, that our not for them may be attended with the moſt fatal Conſe- e, by confirming the Court of Spain in the Notion ſeem to entertain of us, that we are afraid, and ather ſubmit to any Thing, than come to an open Rup- with them. But we are told, we ought not to call for becauſe we have now no Occaſion for them; and to we have no Occaſion for them, it is ſaid, that in Pur- e of the Reſolution we have come to, we cannot regu- at firſt, enter into any Enquiry, but that of the Truth Facts ſet forth in the Petitions now preſented to us. I am ſurprized to hear from a Gentleman ſo well ac- ted with the Facts ſet forth in the Petitions, and ſo much ſter of the Cuſtoms and Methods of Proceeding in Par- nt. Sir, we have no Occaſion for ſuch an Enquiry or Form's ſake merely. We all know the Facts are and if we proceed no further, I ſhall be ſorry we have ſo far; for we ſhall then only leave upon Record, in urnals of Parliament, a Teſtimony of the Inſults and es we have tamely ſuffered, which is a Teſtimony that o Way contribute to the Honour of the Nation; and ore we ought to be ſo far from recording, that, if it poſſible, we ought to prevent its being handed down to ity. If we look but into the Prayer of the Petitions ted to us, we muſt ſee we have ſomething elſe to do, merely to enquire into the Truth of Facts. The Pe- ers beſeech us, 'To provide ſuch a timely and adequate dy, as may put an End to all Inſults and Depredations e Britiſh Subjects; and to procure ſuch Relief for the ppy Sufferers, as the Nature of their Caſe, and the e of their Cauſe, require.' Are we not then, in Pur- e of our Reſolution, to endeavour to provide ſuch a dy, and procure ſuch Relief? And is it poſſible for us termine what may be a proper Remedy, what may be per Relief, without ſeeing what the Court of Spain have d, and what they pretend in Juſtification of themſelves?

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it can no Way be looked on as a final Anſwer. It is ſo far from being a flat Denial of Juſtice, that it ſeems to ſhew an Inclination towards doing Juſtice, as ſoon as ſome diſputed Facts can be cleared up; and I am told it may admit of ſuch Explanations, as may put an End to all our Differences in a peaceable Manner: Nay, I have good Reaſon, I think, to ſuppoſe it ſuch a-one; for if it had been otherwiſe, I am convinced his Majeſty would have directly ordered it to have been laid before the Houſe. Suppoſe it then ſuch an Anſwer as, by proper Explanations, may lay a Foundation for our obtaining full Satisfaction and Security, in a peaceable Manner; I ſhould be glad to know how thoſe Explanations are to be obtained. The only Way of obtaining any ſuch, muſt be by a new Memorial from this Court to that of Spain, by Way of Reply to their laſt Anſwer; but if we order their laſt Anſwer to be laid before this Houſe, we ſhall, in a great Meaſure, put it out of his Majeſty's Power to ſend any ſuch Reply; for in that Caſe, I believe, none of his Majeſty's Servants would venture to adviſe him to ſend a Reply, or to give their Opinion what Sort of Reply ought to be ſent, until the Parliament had thoroughly examined into the Affair, and had come to ſuch Reſolutions as they ſhould think proper upon the Occaſion. This the Parliament may not be able to do till towards the End of the Seſſion, during which Time the Negociation between the two Courts muſt be at an intire Stand; whereas, if it be left to his Majeſty, to ſend ſuch a Reply as he may think moſt proper, the Negociation may before that Time be brought to ſome Period or another; and in our preſent Circumſtances, I am ſure, nothing can be of Advantage to this Nation, that will neceſſarily, but needleſly, occaſion a Delay in adjuſting our Differences with the Court of Madrid.

'From hence, Sir, I think it is evident, that our calling for the laſt Memorial from Spain would be imprudent; and whatever Neceſſity there may be for our ſeeing the laſt or any of the Memorials from that Court, before we can come to any final Determination, relating to the Petitions we have reſolved to take into our Conſideration, yet that Neceſſity neither does, nor can now appear; and therefore, I do not think there is, as yet, the leaſt Occaſion for our calling for any of theſe Memorials. In the Courſe of the Enquiry we are reſolved to make, it may appear neceſſary for us to have all thoſe Memorials laid before us, and when that does appear, I ſhall be ready to join with other Gentlemen in any proper Motion for that Purpoſe; but till then, I think it ought to be delayed, becauſe our immediately calling for them, eſpecially the laſt, may be attended with ſome Inconvenience, and

becauſe

becauſe ſuch a Delay can but very little, if any Way, retard our Proceedings with reſpect to the Affair now before us. By the Reſolution you have come to, it will be near a Fortnight before you begin to take this Affair into your Conſideration; and as ſome Things may intervene, that may oblige you to put off the entering upon it for ſome Days longer; and likewiſe, as you may meet with Interruptions in the Courſe of your Enquiry; I muſt reckon it will be near three Weeks, it may be more, before you can know poſitively, whether there will be any Neceſſity for your having any of thoſe Memorials laid before you; therefore you may, I think, without the leaſt Inconvenience, delay calling for any of them for two or three Weeks at leaſt. In the mean Time, his Majeſty may have ſent to the Court of Spain a Reply to their laſt Anſwer, and then your calling for that Anſwer can no Way interrupt the Courſe of the Negociation, nor can it be attended with ſuch dangerous Conſequences, as your calling for it now may be attended with: Nay, I do not know but that, if a Reply be immediately ſent, demanding the neceſſary Explanations, and inſiſting upon a categorical Anſwer, which I am convinced his Majeſty will do with all poſſible Diſpatch; I do not know, I ſay, but that in this Caſe, a new Memorial may arrive from the Court of Spain, before it be neceſſary for you to come to any Reſolutions relating to this Affair; and that new Memorial will certainly have a great Influence upon your Reſolutions, as well as upon his Majeſty's future Conduct with regard to Spain.

'I ſhall grant, Sir, that in caſe of our calling for any Papers, it is a proper enough Anſwer from the Crown, to tell us, they are of ſuch a Nature, that they cannot be ſafely communicated; but on the other Hand, I believe it will be allowed, that ſuch an Anſwer from the Crown is unuſual; and the Reaſon of its being ſo, is, becauſe both Houſe of Parliament have generally taken care to call for no Papers but ſuch as might, in all Appearance, be ſafely communicated. Now, though I do not pretend to know what is in the laſt Memorial or Anſwer from Spain, yet from its having arrived ſo lately, we may, I think, with Probability, if not with Certainty, conclude, that it is a Paper which ought not yet to be made publick; and therefore, however proper ſuch an Anſwer from the Crown may be, I muſt think ſuch an Application from this Houſe would not be altogether ſo proper at preſent. For this Reaſon, I think, it would be more agreeable to the Cuſtom of Parliament, and more proper for us, not to call for any of the Memorials from Spain, but to leave it intirely to his Majeſty, to order ſuch of them to be laid before us, as he ſhall think may be ſafely communicated; and this he will certainly do in due Time, if there be

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be any Thing in any of theſe Memorials, that n
the Conſideration of Parliament.

' After what I have ſaid, Sir, I hope Gentlem
cuſe me if I ſay, that I think it would be raſh and
in us, to call for all or any of theſe Memorials at p
though we had them all before us, I muſt think
be ſtill more raſh in us to come to any violent or
Reſolutions, unleſs his Majeſty had before told
had no farther Hopes of obtaining full Satisfa
peaceable Manner; for even in private Life, le
never ſo much inclined to do Juſtice, or to mal
tion, he would not like to be publickly threatene
The Attempting to make uſe of ſuch a Method,
bably make him ſtand upon a Punctilio of Honou
fuſe, at leaſt for that Time, to do, what he would
with great Alacrity, if it been required of him in
and prudent Manner.

' It is true, Sir, the Negociations between Spa
have already continued too long, and it muſt be
they have not as yet had any great Effect; but if
der the Multitude of Complaints that are upon b
(for the Court of Spain have their Complaints,
Demands to make, as well as we) and the great I
the Places where our mutual Complaints are to be
we cannot think it ſtrange, that our Negociations
as yet, been brought to a final Iſſue. I do not men
Sir, with a Deſign to make any Excuſe for the Beh
the Spaniards to us, or to juſtify all the Delays t
been guilty of. I mention it only to ſhew, that,
ſtanding the Length of the Negociations betwee
ought not to conclude, that the Court of Spain de
to amuſe and deceive us; but, on the contrary, that
to preſume there may ſtill be ſome Hopes of our
to obtain, in a peaceable Manner, as much as we c
by the moſt ſucceſsful War: And if this can be don
certainly be a great Saving both of Men and Mon
Nation. That his Majeſty thinks he has ſtill goo
to entertain ſome ſuch Hopes, we may be aſſured o
wiſe he would have provided, before this Time, fo
ing by Force, what he found he could not obtain
able Means, and would have applied to Parliame
moſt ſolemn Manner for that Purpoſe. Therefor
than do any thing that may put an End to all ſuch
think we ought to return Thanks to his Majeſty,
the Wiſdom and Goodneſs he has hitherto ſhewn, b
a Force upon his natural Inclinations, and ſacrifi
dazling Glory which is obtained by Victories and T
to that ſolid and true Glory, which is the juſt R

thoſe Kings, who make the Preſervation of the Lives and Properties of their Subjects, their chief and greateſt Concern.'

After Mr. Pelham, ſeveral Gentlemen ſpoke for and againſt the Amendment propoſed; but I ſhall give you only what was ſaid by the two following, viz. Sir John Barnard, and Sir Charles Wager; the former of whom ſpoke to the Effect as follows, viz.

Sir,

Sir John Barnard.

'In all Debates of this Nature, Gentlemen ought to be very cautious how they run any Parallels betwixt public and private Tranſactions. We have heard a good deal with Regard to the prudential Conſideration of our agreeing to the preſent Motion: But give me leave to obſerve Sir, that the Character of a Nation is very different from that of a private Man. A private Man that has once eſtabliſhed a Reputation for Wiſdom and Courage, may eaſily, and generally does, preſerve that Reputation as long as he lives; but whatever Reputation a State or Kingdom may acquire at any one Time, is ſo far from continuing as long as that State or Kingdom ſubſiſts, that on the contrary, the Reputation acquired under one King, or one Adminiſtration, always expires as ſoon as that King or Adminiſtration expires; and the Succeſſors muſt always begin afreſh to acquire and eſtabliſh a Character for the Nation under their Adminiſtration. A Nation may acquire the ighеſt Character, the greateſt Eſteem, under one Reign Adminiſtration, and yet ſink into the loweſt Contempt der the very next. This was the Caſe of this Nation, in Reigns of Edward I. and Edward II. in the Reigns of vard III. and Richard II. in the Reigns of Henry V. Henry VI. and in the Reigns of our wiſe Queen Eliza- and her Succeſſor James I.

It is in vain therefore, Sir, to pretend, that the Cha- er of this Nation is eſtabliſhed, or that we can now de- upon the Character we acquired in any former Reign, der any former Adminiſtration: For our preſent Cha- er, we cannot look beyond the Date of the preſent Ad- iſtration. Now as his Majeſty's Name ought never to entioned in any of our Debates; as nothing that is ſaid my Gentleman in this Houſe, can be ſuppoſed to relate e King, but to the Miniſters for the Time being only; I therefore beg leave to deſire Gentlemen to lay their nds upon their Hearts, and declare, what Sort of Cha- ter they think this Nation has acquired under our preſent miniſtration, which, I muſt obſerve, began before his ajeſty's Acceſſion, and began with a Treaty of Peace be- ween Spain and us, which I never did, nor ever ſhall intire-

ly

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ly approve of. If upon this Footing, Gentlemen will examine into the Character we may at preſent be ſuppoſed to have among our Neighbours, I am afraid it will be found not to be a very advantageous one, at leaſt with reſpect to our Courage, or Readineſs to try the Fate of War, in caſe of any Injury or Inſult's being put upon us.

'I ſhall grant, Sir, that generally ſpeaking, Peace is better than War; but it is not always ſo: A diſhonourable Peace is worſe than a deſtructive War; It is better for a Nation, as well as a private Man, to ceaſe to be, than to ſubſiſt in the wretched State of ſuffering continual Inſults and Indignities; and if, under the preſent Adminiſtration, we have loſt a great Part of the Character we gained in former Times; if our Neighbours have begun to think, that we will bear with any Infractions of Treaties, rather than engage in a War, which I hope is not the Caſe; we may cajole and flatter ourſelves with obtaining Redreſs by peaceful Negociations or Treaties; but while our Neighbours entertain ſuch a Notion of us, I am fully convinced it will be impoſſible. If our Enemies are not yet fully prepared to ruin us, if they think they may ſoon have a better Opportunity, than the preſent for giving us ſome finiſhing Blow, they may for ſome Time amuſe us with Negociations or Congreſſes, they may even vouchſafe to grant us a Convention or a Treaty; but theſe will appear at laſt to be nothing but Expedients, artfully contrived by them, and fooliſhly or treacherouſly ſubmitted to by us, for making our Ruin the more compleat and the more inevitable. During theſe very Negociations, and notwithſtanding the Treaties they may vouchſafe to grant us, being convinced they may do it with Impunity, they will continue to put the ſame Indignities upon us, till we are reduced ſo low by our Sufferings, that, like a Man who has too long neglected a waſting Diſtemper, we ſhall not have ſufficient Strength left for making uſe of that Remedy, which, if it had been applied in Time, would have produced a certain Cure.

'I ſhall not pretend, Sir, to be a competent Judge of our Conduct for ſeveral Years paſt; I ſhall not pretend to ſay poſitively what we have done, or what we might have done; but, in my Opinion, we have had ſeveral Opportunities for inducing, if not compelling the Spaniards, and likewiſe ſome other of our Neighbours, to give us full Satisfaction for Injuries paſt, which would have been the beſt Security againſt any ſuch for the future: Nay, I am of Opinion, we might have prevented moſt of the Indignities put upon us, without involving the Nation in a War. If my Information be right, our Neighbours the Dutch have fallen upon a Way of preventing ſuch Indignities, without involving themſelves in

[illegible] them as Friends, and have only them up in the Arms as soon as [illegible] [illegible] reported; and it was in the Mind a Story I have of a Gentleman [illegible] a Box on the Ear a famous [illegible] Duke's Head. The Gentleman [illegible] had not [illegible] Privilege of a Gentleman to [illegible] and thereupon [illegible] He thought it [illegible] fing Satisfaction [illegible] Manner, but the other told, that the Time [illegible] Gentleman Place of Re-ort, had been struck upon a Stage by the Duke Buck-ingham, other Gentleman [illegible] by the Privacy, if I know that Fellow was a Time been treated in that a-er, I should not have taken the Blow he gave me to-day.

[illegible] Nations, Sir, are apt to play the Bully with Re- to one another; and if the Government or Administra-of a Nation has taken but one Insult tamely, their bours will from thence judge of the then Character of ation, without any Regard to their Behaviour under a r Government or Administration; and will accordingly hem as Bullies do noted Poltroons; they will kick and em upon every Occasion: And as a private Man, who ce got the Character of a Poltroon, can never wipe at Character, or avoid such Treatment, but by drubbing who have dared to insult him, I am afraid it is now be-in vain for us to expect to recover our Character, to obtain Satisfaction for Injuries past, or to avoid meeting future Injuries, by any peaceable Means: At least, I

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ſo doing, we ſhall prevent his Majeſty's being able to ſend any Reply, till after we have examined into the Affair before us, and have come to ſuch Reſolutions as may be thought proper upon the Occaſion. Sir, for this very Reaſon we ought, in my Opinion, to call for it. I think no Reply ought to be ſent but by the Advice of Parliament. The Affair is now brought, and regularly brought before Parliament; and I hope no Miniſter will adviſe his Majeſty to ſend a Reply, till he knows the Reſolutions of Parliament. If any Miniſter does, I am ſure it will not be prudent: It will be a Piece of the higheſt Diſreſpect he can ſhew to a Britiſh Parliament; and whatever Puſillanimity he may have been guilty of with reſpect to foreign Affairs, I am ſure there will in that Caſe be no Reaſon to accuſe him of Puſillanimity with reſpect to domeſtick. Our obtaining Redreſs, or our obtaining a ſpeedy Redreſs, does not depend upon our ſpeedily ſending a Reply of ſome Weight. Our Miniſters have already ſent many Memorials, many Replies, without any Effect: Our Buſineſs is now to ſend a Reply that will have ſome more Weight than any hitherto ſent; and ſurely a Reply from his Majeſty, founded upon the Reſolutions of his Parliament, will have more Force than any Reply he can ſend by the Advice of his Miniſters only. Therefore, conſidering how little Regard has hitherto been ſhewn by the Court of Spain, to the Memorials of our Miniſters, I muſt think it high Time, even for them, to take the Aid of Parliament, and to wait for the Reſolutions of Parliament, before they adviſe his Majeſty to ſend any Reply to the laſt Anſwer from Spain; and for this Reaſon I ſhould think, that our Miniſters, of all others, would be the moſt fond of having that Anſwer laid before Parliament.

'I am ſurprized, Sir, to hear it ſaid, that the Neceſſity of our ſeeing all the Memorials or Anſwers from Spain, relating to the Affair before us, does not now appear. It appears, Sir, upon the very Face of every one of the Petitions we have reſolved to take into our Conſideration. Does not every one of them expreſly affirm, 'That the Spaniards have unjuſtly ſeized and made Prize of our Merchant Ships, in the deſtined Courſe of their Voyages to and from the Britiſh Colonies?' Do not we know that an unlawful Trade may be carried on by our Merchant Ships, in the Spaniſh Weſt-Indies; and if any of them are detected in the carrying on of ſuch a Trade, they may not only be juſtly ſeized, but juſtly condemned and made Prize of? And do not we know that the Spaniards pretend, all or moſt of the Ships they have ſeized, were not in the deſtined Courſe of their Voyage to and from the Britiſh Colonies, but were detected and proved to have been carrying on an unlawful Trade upon their Coaſts? Shall we then proceed to determine,

mine, that any of our Merchant Ships have been unjuſtly ſeized and made Prize of by the Spaniards, without examining what the Spaniards have to ſay in their own Juſtication? Don't, for God-ſake, Sir, let it be in the Power of our Enemies to tax us with Injuſtice; let that be all on the other Side; but give me leave to ſay, that ſuch a Conduct would be unjuſt, and therefore highly unbecoming a Britiſh Houſe of Parliament; and as we can no way examine into what the Spaniards have to ſay in their own Juſtification, but by peruſing the Memorials they have tranſmitted to this Court, therefore, upon the very Face of the Petitions we have reſolved to take into our Conſideration, it appears neceſſary for us to ſee every one of theſe Memorials, before we can come to any Reſolution relating to the Petitions now before us.

'As I have ſhewn, Sir, that it is abſolutely neceſſary for us to ſee all the Memorials or Anſwers from Spain before we can proceed to any Determination or Reſolution relating to the Affair we have reſolved to enquire into, I think it very needleſs to diſpute, whether or no there be any Appearance of its being ſafe to communicate all or any of them to this Houſe. If his Majeſty ſhould think it unſafe to communicate any of them, we muſt put off our Enquiry, till his Majeſty finds that he may ſafely enable us to proceed in it, by laying all the proper Materials before us: But ſurely, Sir, we ought to proceed upon the Steps that are previous to that Enquiry, 'till we ſhall receive the diſagreeable Information from the Crown itſelf, that it is not yet ſafe to lay all the proper Materials before us. For my Part, I think we have no ſuch Meaſures to keep with regard to Spain, as ſome Gentlemen ſeem to think neceſſary. I put no Confidence in any Negociation we can carry on, no nor in any Treaty we can conclude. I think our paſt Behaviour has already made a War unavoidable; and I hope his Majeſty has taken care that this Nation ſhall be as powerfully ſupported by proper Allies, in Defence of our own Rights and the Rights of Mankind, as Spain can expect to be, in the Incroachments ſhe has made upon us, and upon the known Rights of all Nations; I mean, an undiſturbed Communication between the different Parts of their own Dominions, and a free Navigation in the open Seas.

'For this Reaſon, Sir, whatever Shame or Danger might ariſe to ſome particular Men, I cannot ſee the leaſt Danger that could ariſe to this Nation; nay, I can ſee many Advantages that might accrue to her, if all the Memorials, yea all the Tranſactions, that have paſſed between Spain and us, for theſe twenty Years, were printed and publiſhed, as

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were not only laid before this House, but before the Publick. I will even go so far as to say, that it would be neither an unbecoming nor a rash Step for us, to come to a Resolution by Way of Advice to his Majesty, that War ought to be declared against Spain, if, within a short limited Time, they did not promise Satisfaction and Security in the most express and the most explicit Terms

'In private Life, if a Man has been often and for several Years solicited, in the most complaisant Manner, to do Justice, he ought, nay he must be threatened at last, whatever may be the Consequence: If he should then indiscreetly stand upon a Punctilio of Honour, a Court of Law would compel him not only to do Justice, but to pay the Costs of a Suit, which he had brought upon himself merely by his own Obstinacy; and I hope the Fleets and Armies of this Kingdom will always be as effectual against obstinate Foreigners, as the Officers of Justice can be against obstinate Subjects.

'I am sorry, Sir, to hear the Multitude of our Complaints made use of as an Argument for prolonging our Negociations. Every one knows that the Length of our Negociations has added greatly to the Number of our Complaints; and now, it seems, the Multitude of our Complaints ought to prevail with us to continue our Negociations yet a while longer. At this Rate our Negociations can never come to an End; for while they continue, the Number of our Complaints will certainly increase daily, because our Subjects, as long as they have any thing to risk, will be making use of those Rights they think they are intitled to, and this will give their Enemies a Pretence and an Opportunity to plunder them. Therefore the Multitude of our Complaints should rather be a Reason for cutting short our Negociations at any Rate, than for drawing them out to still a farther Length. The Ministry, Sir, had better strike a bold Stroke at once, (and indeed it will be a bold Stroke) by giving up those Rights that are in Dispute, rather than continue them in Suspence, as a Snare for making our Subjects a Prey to their Enemies.

'Then, Sir, as to the Distance of the Places where our Complaints are to be examined, surely it can be no Excuse for the Spaniards not having made Satisfaction, with respect to those Captures at least, which they themselves have above eight Years since acknowledged to have been unjust. This too may be made a Reason for an eternal Negociation, as well as for lengthening our Negociations yet a while longer; for if the Distance of Places be an Excuse for not having made Satisfaction for an Injury done ten Years ago, and acknowledged as such above eight Years ago, it will be an Excuse for

for delaying for ten Years to come, to make Satisfaction for the Injuries done laſt Year, and ſo on *in infinitum*; and as we are not, it ſeems, to have full Satisfaction for any Injury done, till the whole be adjudged and aſcertained at the End of the Negociation, we muſt never at this Rate expect full Satisfaction for any Injury paſt, preſent, or future.

'What Complaints, or what Demands the Spaniards may have againſt us, as I know nothing of them, I ſhall not pretend to ſay whether they are frivolous or not; I am apt to ſuſpect they are; but, Sir, if they are not, they may then be a Pretence, and a juſt Pretence too, for the Injuries they have done to us, or at leaſt for their not having made a full Reparation; therefore thoſe very Complaints or Demands ought to come under our Conſideration at this Juncture; and as they can appear no where but in thoſe Memorials, which have been tranſmitted from the Court of Spain to this Court, they furniſh us with a new and an additional Reaſon for ſhewing, that it is abſolutely neceſſary for us to ſee all the Memorials from Spain, before we can properly come to any Reſolution relating to the Affair we have reſolved to enquire into.

'Thus, Sir, in every Light, in which the Queſtion can be put, it appears, it now appears, neceſſary, to have all the Memorials or Anſwers from Spain, laid before us, if we are ſeriouſly inclined to get at the Bottom of the Affair we have reſolved to enquire into: But I muſt ſay, that for my own Part, I am very eaſy, whether any one of theſe Memorials be laid before us; becauſe there is one Fact ſuggeſted in one of the Petitions, which to me appears a ſufficient Reaſon for an immediate Declaration of War, and will therefore in my Opinion, make it unneceſſary for us to enquire into any of the other Facts, ſet forth in the Petitions now before us. In the Petition preſented by the Merchants trading to the Plantations, it is ſuggeſted, 'That the Crews of ſeveral of our Merchant Ships are now in Slavery in Old Spain, where they are moſt inhumanly treated.' This, Sir, is an Infamy, a barbarous Cruelty, which a ſimple Releaſe of the Sufferers cannot excuſe. Nothing but Vengeance can atone for ſuch a cruel, ſuch an unchriſtian Behaviour. It is a Cruelty, which the Court of Spain cannot pretend to palliate or excuſe, by imputing it to the Misbehaviour of their Governors in America. The Government of Spain itſelf muſt be loaded with it; and as it cannot be juſtified by any Pretence, or by any Memorial whatſoever, if it be proved, which I believe it will, I ſhall think it a ſufficient Reaſon for giving it as my Opinion, that War ought to be immediately declared againſt that Kingdom, without enquiring into any of the other Facts complained of, or ſeeing any of the Memorials or

Anſwers

Anno 11 Geo. II. 1737-8

Anſwer they have ſent us. It is not enough, Sir, if a Man has not only injured me in my Property, but barely ſtruck and maltreated me in my Perſon; I ſay, it is not enough, if I ſhall obtain bare Satisfaction for what I have ſuffered in my Property. But Nations, Sir, have no Court of Juſtice to which they care to appeal; they muſt take the Remedy that their Power preſents them with, which is Satisfaction by Arms.

'Therefore, as I have ſaid, I am extremely eaſy, whether any of the Spaniſh Memorials be laid before us or not; but if, out of an ill-timed Complaiſance for the Court of Spain, and for fear of intruding upon their Punctilio's of Honour, we now refuſe to call for any of theſe Memorials; I am afraid this poor Nation can at preſent neither meet with Reparation for paſt Injuries, nor can it expect a proper Security againſt being expoſed to Injuries of the ſame Nature, for ſome Time to come.

Sir Charles Wager ſpoke in Subſtance as follows:

Sir,

Sir Charles Wager.

'I muſt ſay, that whatever the preſent Character of this Nation may be, I think we ought to do nothing raſhly, either for preſerving or recovering it. A Man of real Courage and good Senſe is never jealous of his Character; and therefore is not ſo apt to take Things amiſs, or ſo haſty in reſenting Affronts, as one who has only a brutiſh Temerity, or a falſe and affected Courage. I do not know but that all the Facts mentioned in the Petitions may be proved; I believe they will; but if they were, I ſhould not take upon me to ſay, whether or no they could juſtify an immediate Declaration of War againſt Spain. This is a Judgment which no Subject ought to make, becauſe the judging and determining in ſuch a Caſe, is, by our Conſtitution, lodged in the Crown only. But ſo far I may ſay, that whatever may be in theſe Facts, whatever may be our Caſe at preſent, we ought not to ſhow our Teeth till we can bite.

'No Nation in the World, I believe, Sir, ever declared War, till they were ready to enter upon Action; and as we at preſent have neither a Fleet nor an Army ready, ſufficient for attacking ſuch a powerful Nation as Spain, I think we ought not as yet to do any thing, that may look like a Declaration of War, or even like a Reſolution to declare War. I believe no Gentleman will ſuppoſe, that I can be induced, either by Intereſt or Inclination, to be againſt a War, when I think it is become neceſſary: On the contrary, I ſhall then be as much for it, and as ready to take my Share in it, as any Man in the Kingdom; but if a War were now become abſolutely neceſſary, I ſhould not be for giving any publick Teſtimony of our being reſolved upon a Rupture,

Rupture, till we are fully prepared, and juſt ready to enter upon Action. Every Man knows we are not ſo at preſent; and as our calling for all the Memorials tranſmitted hither from Spain, would be a Sort of publick Intimation, that we are reſolved upon a Rupture, I muſt therefore be for agreeing to the Amendment, and leaving it to his Majeſty to communicate thoſe Memorials to us, when he thinks it ſafe and convenient; which he may do, and certainly will do, without any Addreſs from us for that Purpoſe.' Anno 11. Geo. II. 1737-38.

The Queſtion being put upon the Motion as it ſtood without the Amendment, it was carried in the Negative, Yeas 99, Noes 164. And the Amendment was then agreed to without Diviſion. Diviſion. Yeas 99, Noes 164.

March 15. Mr. Comptroller preſented to the Houſe, purſuant to their Addreſs to his Majeſty, Copies, and Extracts of the ſeveral Petitions, Repreſentations, Memorials, and all other Papers relating to the Spaniſh Depredations upon the Britiſh Subjects, which have been preſented to his Majeſty, or delivered to either of his Majeſty's principal Secretaries of State, ſince Midſummer laſt, together with Copies or Extracts of ſuch Memorials or Repreſentations, as have been made either to the King of Spain, or his Miniſters, and of the Letters written to his Majeſty's Miniſter at Madrid, relating to the ſaid Depredations; as alſo, (by his Majeſty's Command)

Copies and Extracts of Letters from his Majeſty's Miniſter at Madrid, and from the King of Spain's Miniſters, to him in anſwer to Letters wrote by one of his Majeſty's principal Secretaries of State to the ſaid Miniſter, and to the Repreſentations made by him to the Miniſters of Spain, relating to the ſaid Depredations; together with a Liſt of the ſaid Papers.

And the ſaid Liſt was read, and was as followeth:

Extract of a Letter from Mr. Keene to the Duke of Newcaſtle, Segovia, Aug. 22, O. S. Sept. 2, N. S. 1737; incloſing,

Copy of a Letter from Mr. Keene to Monſ. de la Quadra, Aug. 17, O. S. 28, N. S. 1737; and

Tranſlation.

Copy of a Letter from the Duke of Newcaſtle to Mr. Keene, Sept. 12, 1737; incloſing,

Copy of a Letter from the Board of Trade to the Duke of Newcaſtle, Aug. 31, 1737; incloſing,

Extract of a Letter from Governor Matthew to the Board of Trade, June 14, 1737.

Extract of a Letter from Governor Matthew to the Secretary of the Board of Trade, July 18, 1737; incloſing.

Copy of the Affidavit of John Harris ſenior taken before Governor Mathew, July 11th, 1737.

Extract

Anno 11 Geo. II. 1737-38.

Extract of a Letter from the Duke of Newcaſtle to Mr. Keene, Oct. 3d, 1737; incloſing,

Extract of a Letter from the Preſident of the Council at Jamaica to the Duke of Newcaſtle, July 13th 1737; incloſing,

Copy of the Depoſition of John Curtis, Commander of the Ship St. James of Briſtol, and of the Boatſwain and Sailors belonging to the ſaid Ship.

Copy of a Letter from Mr. Keene to the Duke of Newcaſtle, Madrid, Oct. N. S. 3. O. S. 14. 1737; incloſing,

Copy of a Letter from Mr. Keene to Monſ. de la Quadra, Sept. 29, O. S. Oct. 10. N. S. 1737, and

Tranſlation.

Copy of a Letter from Mr. Keene to Monſ. de la Quadra. St. Ildefonſo, Sept. 28, O. S. Oct. 9, N. S. 1737, and

Tranſlation.

Copy of a Letter from Mr. Keene to the Duke of Newcaſtle, Madrid, Oct. 10. O. S. N. S. 21, 1737; incloſing,

Copy of a Letter from Mr. Keene to the Marquiſs de Mar, Oct, 6, O S. 17, N. S. 1737, and

Tranſlation.

Copy of a Memorial ſtating the Caſe of the three Ships, the Reſtitution of which Mr. Keene demanded by his Officers of Sept. 28, 29, O S, Oct. 9, & 10, N. S. 1737, and

Tranſlation.

Copy of a Letter from the Duke of Newcaſtle to Mr. Keene, Nov. 4th 1737, incloſing,

Copy of a Petition of the Merchants and Planters, in behalf of themſelves and others, trading to and intereſted in the Britiſh Colonies in America.

Draught of a Memorial to be preſented by Mr. Keene to the King of Spain, and

Tranſlation.

Copy of a ſhort State of the Capture of the Ship St. James, with the Proofs annexed, taken 12 May 1737.

Copy of a ſhort State of the Capture of the Ship Prince William, with the Proofs annexed, taken the 24th of March 1736-7.

Copy of a ſhort State of the Capture of the George Brigantine, with the Proofs annexed, taken the 21ſt of May 1737,

Copy of a ſhort State of the Capture of two Britiſh Ships; 1ſt, The Loyal Charles; 2d, The Diſpatch, taken in July or Auguſt, 1737, with the Proofs annexed.

Copy of a ſhort State of the boarding and plundering, 1ſt, The Snow Neptune; 2d, the Prince William; 3dly, A New-England Brigantine; on the 12th of July 1737, with the Proofs annexed.

Copy of a ſhort State of the Attack of the Sloop Cæſar July 11ſt, 1737, with the Proofs annexed.

Copy

Copy of a ſhort State of the boarding and plundering the Ship Sea-Horſe, William Griffith Maſter, on the 18th or 19th of Auguſt 1737, with the Proofs annexed.

Copy of a ſhort State of the Captures of the Brigantine Two Siſters, Brigantine Hopewell, and two other Ships, Part of the Salt Fleet, taken 14 March 1732-3, with the Proofs annexed.

Copy of a ſhort State of the Captures of the ſix following Ships; the Sloop Endeavour, the Bermuda Sloop, the Sloop of Anguilla, a Sloop of Antigua, a Sloop of St. Chriſtopher's, the Friend's Adventure, all taken in February 1734-5; and of three more Ships, which were attacked at the ſame Time, but eſcaped, with the Proofs annexed.

Copy of a ſhort State of the Captures of the Sloop Thomas and the Prince William; Sloop Thomas taken 28 March 1734; Sloop Prince William taken 9th September 1731, with Proofs annexed.

Copy of a ſhort State of the Ship Richmond, taken April 14th, 1730, with the Proofs annexed.

Copy of a ſhort State of the Capture of the Ship Pheaſant, taken January 13, 1728-9.

Copy of the Petition of Edmund Sanders, Henry Tongue, and Richard Farr, of Briſtol, Merchants, in behalf of themſelves, Henry Lloyd, deceaſed, the Inſurers, Maſter, and Mariners of the Ship Robert Galley, taken 12 May 1729.

Copy of the Affidavit of James Wimble concerning his Loſſes by the Spaniards, October 14, 1737.

Copy of the Affidavit of Murray Crymble, October 31, 1737.

Tranſlation of a Letter from the Governor of Porto Rico to General Matthews, Governor of the Leeward-Iſlands, Sept. 4, O. S. 15, N. S. 1734.

Extract of a Letter from Mr. Keene to the Duke of Newcaſtle, Eſcurial, Oct. 17. O. S. 28, N. S. 1737, incloſing,

Copy of a Letter from Monſ. de la Quadra to Mr. Keene, Oct 9, O. S. 20, N. S. 1737, and

Tranſlation.

Copy of a Letter from Monſ de la Quadra to Mr. Keene, Oct. 9, O. S. 20, N. S. 1737, and

Tranſlation.

Extract of a Letter from Mr. Keene to the Duke of Newcaſtle. Eſcurial, Oct. 24, O. S. Nov. 4, N. S. 1737; incloſing,

Copy of a Letter from Mr. Keene to Monſ. de la Quadra, Oct. 19, O. S. 30, N. S. 1737, and

Tranſlation.

Extract of a Letter from Mr. Keene to the Duke of Newcaſtle, Eſcurial, Oct. 31, O S. Nov. 11, N. S. 1737; incloſing,

Anno 11 Geo. II. 1737-38.

Copy of a Letter from Mr. Keene to Monſ. de la Quadra, Oct. 28, O. S. Nov. 8, N. S. 1737, and
Tranſlation.

Extract of a Letter from the Duke of Newcaſtle to Mr. Keene, Nov. 24, 1737.

Extract of a Letter from Mr. Keene to the Duke of Newcaſtle, Eſcurial, Nov. 7, O. S, 18, N. S. 1737.

Extract of a Letter from Mr. Keene to the Duke of Newcaſtle, Eſcurial, Nov. 14, O. S. 25, N. S. 1737.

Extract of a Letter from Mr. Keene to the Duke of Newcaſtle. Madrid, Nov. 21, O. S. Dec. 2, N. S. 1737; incloſing,

Copy of a Letter from Mr. Keene to Monſ. de la Quadra, Nov. 19, O. S. 30, N. S. 1737, and
Tranſlation.

Copy of a Letter from Monſ. de la Quadra, Nov. 19, O. S. 30, N. S. 1737, and
Tranſlation.

Copy of a Letter from Mr. Keene to the Duke of Newcaſtle. Madrid, Dec. 2, O. S. 13, N. S. 1737; incloſing,

Copy of a Memorial accompanying the Proofs and Documents preſented to Monſ. de la Quadra, relating to the Depredations in America, Nov. 29, O. S. Dec. 10, N. S. 1737, and
Tranſlation.

Copy of a Letter from Monſ. de la Quadra to Mr. Keene, Nov. 22, O. S. Dec. 3, N. S. 1737, and
Tranſlation.

Copy of a Letter from Mr. Keene to Monſ. de la Quadra, Nov. 26, O. S. Dec. 7, N. S. 1737, and
Tranſlation.

Copy of a Letter from Monſ. de la Quadra to Mr. Keene, Nov. 29, O. S. Dec. 19, N. S. 1737, and
Tranſlation.

Extract of a Letter from the Duke of Newcaſtle, to Mr. Keene, Dec. 10, 1737.

Extract of a Letter from Mr. Keene to the Duke of Newcaſtle, Madrid, Dec. 12, O. S. 23, O. S. 1737; incloſing,

Copy of a Letter from Monſ. de la Quadra to Mr. Keene, Dec. 8, O. S. 19, N. S. 1737, and
Tranſlation.

Extract of a Letter from the Duke of Newcaſtle to Mr. Keene, Jan. 7, 1737-8.

Copy

Received Jan. 9, 1737-8, from Don Thomas Geraldino.

Copy of a Letter from the Marquis de Torre Nueva to the Governor and Captian General of the Iſland of Cuba and City of the Havanna, Decem. 7, O. S. 18, N. S. 1737, and

Tranſlation; incloſing,

Copy of the Declaration ſigned by the Britiſh and Spaniſh Miniſters Jan. 28, O. S. Feb. 8, N.S. 1731-2, and

Tranſlation.

Copy of a Letter from the Marquis de Torre Nueva to the Governor of Porto Rico, Decem. 7, O. S. 18. N. S. 1737, and

Tranſlation.

Copy of the King of Spain's Cedula for the Reſtitution of the St. James, John Curtis Maſter, directed to the Governor of Porto Rico, Decem. 9, O. S. 20, N. S. 1737, and

Tranſlation.

Extract of a Letter from Mr. Keene to the Duke of Newcaſtle, Decem. 26, O. S. Jan. 6. N. S. 1737-8.

Extract of a Letter from the Duke of Newcaſtle to Mr. Keene, Jan. 26, 1737-8.

Extract of a Letter from Mr. Keene to the Duke of Newcaſtle, Jan. 9, O. S. 20. N. S. 1737-8.

Copy of a Letter from the Duke of Newcaſtle, to Mr. Keene, Feb. 2, 1737-8; incloſing,

Copy of Captain Way's Letter to Meſſieurs Drake, Pennant and Long, Havanna, Aug. 14, O. S. 26, N. S. 1737.

Extract of a Letter from Mr. Keene to the Duke of Newcaſtle, Madrid, Jan. 16, O. S. 27, N. S. 1737-8.

Copy of a Memorial of the Merchants intereſted in and trading to His Majeſty's Colonies and Plantations in America, received Feb. 9, 1737-8.

Extract of a Letter from Mr. Keene to the Duke of Newcaſtle, Madrid, Jan 23, O. S. Feb. 3, N. S. 1737-8.

Extract of a Letter from Conſul Caley to the Duke of Newcaſtle, Cadiz, Jan. 17, O. S. 28, N. S. 1737-8.

Copy of a Letter from Captain Philip——to Peter De la Mont, in London, dated Aug. 11, 1737.

Extract of a Letter from the Duke of Newcaſtle to Mr. Keene, Mar. 2d, & 3d, 1737-8; incloſing,

Copy of a Letter from Francis Muſgrave, Jan. 22d, 1737-8.

Copy of a Letter from John Peutron to Mr. John Lucas. Cadiz, Feb, 1ſt, 1737-8.

Copy of a Letter from Luke Jefferſon, Cadiz, Feb. 6th, 1737-8

Extract of a Letter from Mr. Keene to the Duke of Newcaſtle, Feb. 12, O. S. 23, N. S. incloſing

Anno 11 Geo. II. 1737-8.

Extract of a Letter from Captain Dent, Commander in chief of his Majeſty's Ships at Jamaica, dated the 22d of November, 1736; and alſo,

Copy of a Letter from the Secretary of the South-Sea Company to Mr. Burchett, dated the 16th of December, 1736; incloſing,

Extract of a Letter from the South-Sea Company's Factors at Carthagena, dated the 23d of July 1736; and alſo,

An Account of the Murder of Captain Thomas Weir from an Inhabitant of Sancta Martha; together with a Schedule of the ſaid Papers.

And the ſaid Schedule was read.

Referred to the Committee.

Ordered, That the ſaid Papers be referred to the Conſideration of the Committee of the whole Houſe, to whom the Petition of divers Merchants, Planters, and others, trading to and intereſted in the Britiſh Plantations in America, on behalf of themſelves and many others, is referred.

Petition of the Glaſgow Merchants.

A Petition of the Merchants in Glaſgow, trading to the Britiſh Plantations in America, in behalf of themſelves and many others, was preſented to the Houſe, and read; ſetting forth, that the American Colonies (particularly the Weſt-India Iſlands) are the principal Mercat for the Manufactures of this Country, whereby many Thouſands of his Majeſty's Subjects are employed and maintained; and that the Trade to theſe Parts has, for a Courſe of Years, been greatly obſtructed by the Depredations of the Spaniards, who have in the open Seas violently attacked and boarded ſeveral Ships in the lawful Courſe of their Voyages, and unjuſtly ſeized and made Prize of them, with their Effects, to the great Loſs and Damage of the unhappy Sufferers, and the Diſcouragement of the Trade and Manufactures of that Part of the Iſland; and repreſenting to the Houſe, that, notwithſtanding his Majeſty's moſt gracious Interpoſition, the Spaniards, ſo far from repairing the former Loſſes, ſtill continue the ſame Practices, and particularly laſt Year have carried their Inſults to a greater Height than ever, by ſtopping, plundering, and ſeizing ſeveral Ships belonging to his Majeſty's Subjects, in the deſtined Courſe of their Voyages to and from the Britiſh Colonies, condemning them, with their Loadings, amounting to a conſiderable Value, and by treating cruelly and inhumanly the Captains or Maſters of ſome of theſe Ships, with their Crews, contrary to the Laws of Nations, and in manifeſt Violation of the Treaties ſubſiſting between the two Crowns; and that by theſe arbitrary Proceedings, the Trade and Navigation to and from America is rendered very unſafe and precarious, inſomuch that the Inſurance from Jamaica is greatly riſen on theſe Accounts only, a Charge, which that Trade in its preſent low State is altogether unable to bear;

and

and that, without a ſpeedy and effectual Remedy, the American Trade and Navigation will be, together with the Revenue ariſing therefrom, very much diminiſhed, if not intirely loſt; and that any Nation's aſſuming the Power of rummaging and detaining Britiſh Ships (at their Pleaſure) upon their lawful Voyages in the American Seas, is in Effect, as the Petitioners apprehend, claiming and exerciſing the ſole Sovereignty of thoſe Seas, and an high Indignity to the Honour of the Britiſh Nation; and that the inſulting the Perſons, and plundering the Properties of his Majeſty's Subjects, as the Petitioners conceive, is and will be attended with Conſequences very fatal to Great-Britain; and therefore praying the Houſe to conſider the Premiſſes, and to give ſuch Remedy, as to the Houſe ſhall ſeem meet. Anno 11 Geo. II 1737-8.

Ordered, That the ſaid Petition be referred to the Conſideration of the Committee of the whole Houſe, to whom the Petition of divers Merchants, Planters, and others, trading to and intereſted in the Britiſh Plantations in America, on behalf of themſelves and many others, is referred. Referred to the Committee.

Mr. Comptroller reported to the Houſe, that their Addreſs (that his Majeſty would be graciouſly pleaſed to give Directions, to be laid before this Houſe, a Copy of the Treaty between Great-Britain and Spain, for accommodating Differences, preventing Depredations, and ſettling a Peace in America concluded at Madrid, July 8, 1670,) had been preſented to his Majeſty; and that his Majeſty had commanded him to acquaint this Houſe, that he will give Directions accordingly. Mr. Comptroller.

The Order of the Day being read, for the Houſe to reſolve itſelf into a Committee of the whole Houſe, to conſider of the Petition of divers Merchants, Planters, and others, trading to and intereſted in the Britiſh Plantations in America, in behalf of themſelves and many others; Order of the Day for the Houſe going into a Committee.

Ordered, That the ſeveral Papers, yeſterday preſented to the Houſe, relating to the Spaniſh Depredations upon the Britiſh Subjects, be referred to the ſaid Committee. Papers laid before them.

Ordered, That the Extract of the Treaty of Peace between Spain and the United Provinces of the Low-Countries, made at Munſter, 30 Jan. 1648, Aritcles 5 and 6, preſented to the Houſe the 22d Day of February, 1726, be referred to the ſaid Committee.

Ordered, That the Tranſlation of the ſaid Extract, then likewiſe preſented to the Houſe, be referred to the ſaid Committee.

Ordered, That the ſeveral Papers, preſented to the Houſe the 9th Day of this Inſtant March, relating to Applications for warlike Stores from his Majeſty's Plantations in America, be referred to the ſaid Committee.

March

Anno 11 Geo. II. 1737-38.

Tho. Pelham, Eſq;

March 21. Mr. * Pelham of Lewes, from the Commiſſioners for Trade and Plantations, preſented to the Houſe, purſuant to their Addreſs to his Majeſty, Copies of Papers received by the Lords Commiſſioners for Trade and Plantations, relating to the Loſſes ſuſtained by his Majeſty's Subjects, by Depredations committed by the Spaniards in Europe or America to Midſummer 1737, which have not already been laid before this Houſe, together with a Liſt of the ſaid Papers.

And the ſaid Liſt was read, and is as followeth:

1. Extract of a Letter from Mr. Fitzwilliams, Governor of the Bahama Iſlands, dated at New-Providence the 20th of Auguſt 1735; incloſing,

Copy of a Depoſition and Proteſt, made by Samuel Lawford, complaining of a Ship unjuſtly ſeized by the Spaniards.

2. Extract of a Letter from Mr. Matthews, Governor of the Leeward Iſlands, dated at Antigua the 17th of January, 1636-7; incloſing,

The Depoſition of William Fiſher, relating to a Spaniſh Guarde de Coaſt, or Privateer.

3. Extract of a Letter from Mr Matthews, Governor of the Leeward Iſlands, dated the 14th of June, 1737, relating to Depredations by the Spaniards on two Engliſh Ships.

Papers referred to the Committee.

Ordered, That the ſaid Papers be referred to the Conſideration of the Committee of the whole Houſe, to whom the Petition of divers Merchants, Planters, and others, trading to and intereſted in the Britiſh Plantations in America, in behalf of themſelves and many others, is referred.

Order of the Day for the Houſe going into a Committee.

The Order of the Day being read, for the Houſe to reſolve itſelf into a Committee of the whole Houſe, to conſider farther of the Petition of divers Merchants, Planters, and others, trading to and intereſted in the Britiſh Plantations in America, in behalf of themſelves and many others;

Papers laid before them.

Ordered, That the ſeveral Papers preſented to this Houſe the 13th of Day of May 1735, relating to his Majeſty's Commiſſaries in Spain, be referred to the ſaid Committee.

Ordered, That the ſeveral Papers preſented to this Houſe the 23d Day of January, 1735, from the Commiſſioners for executing the Office of Lord High Admiral of Great-Britain, be referred to the ſaid Committee.

Ordered, That the ſeveral Papers preſented to this Houſe the 19th Day of February, 1735, relating to the Loſſes ſuſtained by his Majeſty's Subjects, by Depredations committed by the Spaniards in Europe or America, ſince the 25th Day of March 1725, be referred to the ſaid Committee.

Then the Houſe reſolved itſelf into the ſaid Committee; and after ſome Time ſpent therein, Mr. Speaker reſumed the Chair; and Mr. Alderman Perry reported from the

Committee, that they had heard farther Evidence touching the Matter referred to them; and that he was directed by the Committee to move, that they may have leave to sit again.

Mr. Comptroller.

March 22. Mr. Comptroller presented to the House, pursuant to their Address to his Majesty, a Copy of the Treaty between Great-Britain and Spain, concluded at Madrid, July 8, O. S. 18 N. S. 1670; and also,

A Translation of the said Treaty.

And the Titles of the said Copy and Translation were read.

Ordered, That the said Copy and Translation be referred to the Committee of the whole House, to whom the Petition of divers Merchants, Planters, and others, trading to and interested in the British Plantations in America, in behalf of themselves and many others, is referred.

Resolution for an Address.

Resolved, That an humble Address be presented to his Majesty, that he will be graciously pleased to give Directions to be laid before this House, Copies or Extracts of such Representation or Representations, which has or have been made by the Council and Assembly of Jamaica, to the Commissioners for Trade and Plantations, relating to the Captures of English Vessels by the Spaniards in the Bays of Honduras and Campechy since the Year 1731.

Ordered, That the said Address be presented to his Majesty by such Members of this House, as are of his Majesty's most honourable Privy Council.

Mr. Comptroller.

March 24. Mr. Comptroller reported to the House, that their Address of Wednesday last (that his Majesty would be graciously pleased to give Directions, to be laid before this House, Copies, or Extracts of the Representation or Representations therein mentioned) had been presented to his Majesty, and that his Majesty had commanded him to acquaint the House, that he will give Directions accordingly.

Mr. Comptroller also, by his Majesty's Command, presented to the House,

Copy of a Letter from Mr. Keene to the Duke of Newcastle, Madrid, Feb. 12, O. S. 23, N. S. 1737-8; inclosing,

Copy of a Letter from M. de la Quadra to Mr. Keene, Pardo, Feb. 10, O. S. 21, N. S. 1737-8, and

Translation.

Copy of a Letter from the Duke of Newcastle to Mr. Keene, March 17, 1737-8; inclosing,

Draught of a Letter from Mr. Keene to M. de la Quadra, and

Translation.

Together with a List of the said Papers.

And the said List was read.

Ordered, That the said Papers do lie upon the Table, to be perused by the Members of the House.

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Mr. Richard Plumer.

March 28. Mr. *Richard Plumer, from the Commiſſioners for Trade and Plantations, preſented to the Houſe, purſuant to their Addreſs to his Majeſty, Extract of an Addreſs and Repreſentation of the Council of Jamaica to the King, dated at St. Jago de la Vega the 27th of November 1731; and alſo,

Extract of an Addreſs and Repreſentation of the Aſſembly of Jamaica to the King in November 1731.

And the Titles of the ſaid Extracts were read

Ordered, That the ſaid Extracts be referred to the Committee of the whole Houſe, to whom the Petition of divers Merchants, Planters, and others trading to and intereſted in the Britiſh Plantations in America, in behalf of themſelves and many others, is referred.

Mr. Comptroller preſented to the Houſe, purſuant to their Addreſs to his Majeſty of the 10th Day of this Inſtant March, Extract of a Letter from Mr. Keene to the Duke of Newcaſtle, Caſa del Monte near Aranjuez, May 5, O. S. 16, N. S. 1735; incloſing,

Copy of a Letter from M. Patinho to Mr. Keene, May 1, O. S. 12, N. S. 1735; and,

Tranſlation.

Copy of a Letter from Mr. Keene to the Duke of Newcaſtle, Madrid, March 24, O. S. April 4, N. S. 1735; incloſing,

Copy of a Letter from Mr. Keene to M. Patinho, April 22, O. S. May 3, N. S. 1734, and

Tranſlation.

Copy of a Letter from M. Patinho to Mr. Keene, April 30, O. S. May 11, N. S. 1734, and

Tranſlation.

Extract of a Letter from the Duke of Newcaſtle to Mr. Keene, June 27, 1735, incloſing,

Extract of a Letter from Governor Matthew to the Duke of Newcaſtle, St. Chriſtophers, March 22, 1734-5; incloſing,

Copy of the Depoſition of Captain Gordon, &c. March, 1735.

Extract of a Letter from Mr. Keene to the Duke of Newcaſtle, Pellejeros, July 20, O. S. 31, N S. 1735.

Copy of a Letter from Mr. Keene to M. Patinho, July, 15, O. S. 26, N. S. 1735, and

Tranſlation.

Extract of a Letter from Mr. Keene to the Duke of Newcaſtle, Pellejeros, July 28, O. S. Aug. 8, N. S. 1735; incloſing,

Copy of a Letter from M. Patinho, to Mr. Keene, July 21, O. S. Aug. 1, N. S. 1735, and

Tranſlation.

* *One of the Commiſſioners for Trade and Plantations.*

Extract

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Extract of a Letter from the Duke of Newcaſtle to Mr. Keene, Jan. 13, 1736-7; incloſing,

Extract of a Letter from the South-Sea Company's Factors at Cartagena, July 23, 1736.

An Account of the Murder of Captain Weir, &c. from an Inhabitant of Santa Martha.

Extract of a Letter from Mr. Keene to the Duke of Newcaſtle, Madrid, Feb. 28, O. S. March 11, N. S. 1736-7. incloſing,

Copy of a Letter from Mr. Keene to M. de la Quadra, Feb. 23, O. S. March 6, N. S. 1736-7, and

Tranſlation.

Extract of a Letter from the Duke of Newcaſtle to Mr. Keene, March 24, 1636-7; incloſing,

Copy of the Affidavit of William Fiſher, Nov. 13, 1736.

Extract of a Letter from Mr. Keene to the Duke of Newcaſtle, Madrid, April 11, O. S. 22, N. S. 1737; incloſing,

Copy of a Letter from Mr. Keene to M. de la Quadra, April 6, O. S. 17, N. S. 1737, and

Tranſlation.

Together with a Liſt of the ſaid Papers.

And the ſaid Liſt was read.

Ordered, That the ſaid Papers be referred to the Committee of the whole Houſe, to whom the Petition of divers Merchants, Planters, and others, trading to and intereſted in the Britiſh Plantations in America, in behalf of themſelves and many others, is referred.

The other Order of the Day being read, for the Houſe to reſolve itſelf into a Committee of the whole Houſe, to conder futher of the Petition of divers Merchants, Planters and others, trading to and intereſted in the Britiſh Plantations in America, in behalf of themſelves and many others;

Ordered, That the Copy of a Letter from Mr. Keene to the Duke of Newcaſtle, Madrid, Feb. 12, O. S. 23, N. S. 1737-8; incloſing,

Copy of a Letter from Monſieur de la Quadra to Mr. Keene, Pardo, Feb. 10, O. S. 21, 1737-8, and

Tranſlation, be referred to the ſaid Committee.

Ordered, that the Copy of a Lettter from the Duke of Newcaſtle to Mr. Keene, March 17, 1737-8; incloſing,

Draught of a Letter from Mr. Keene to Monſieur de la Quadra, and

Tranſlation, be referred to the ſaid Committee.

The Houſe goes a Committee.

Then the Houſe reſolved itſelf into the ſaid Committee, and after ſome Time ſpent therein, Mr. Speaker reſumed the Chair; and Mr. Alderman Perry reported from the Committee, that they had further heard Evidence and Counſel upon and gone through the Matters to them referred, and had come to a Reſolution, which they had directed him to report, and had alſo

 directed

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directed him to make a Motion to the Houſe, when the Houſe will pleaſe to receive the ſame.

March 30th, the Houſe reſolved itſelf into a Committee of the whole Houſe, to conſider of the ſaid Report,

Mr. Alderman Perry.

which Mr. Alderman Perry, (according to Order) made from the Committee of the whole Houſe, to whom it was referr'd to conſider of the Petition of divers Merchants, Planters, and others, trading to and intereſted in the Britiſh Plantations in America, in behalf of themſelves and many others.

Mr. Alderman Perry being in the Chair, ſeveral Witneſſes were examined to prove the Allegations of the Merchants Petition. Mr. Murray the Counſel for the Merchants made a Speech at the Bar, to ſhew the Juſtice of their Complaints, and they being directed to withdraw, William Pulteney Eſq; roſe and ſpoke as follows:

Sir,

Mr. Pulteney.

'The amazing Inſtances of Cruelty, Barbarity, and Injuſtice, which we have heard proved at the Bar of this Houſe, to have been exercis'd by the Spaniards upon his Majeſty's Subjects, might juſtify mein making a Motion, for our enquiring into the Cauſes of the Nation's having ſuffered ſo often and ſo long, without having ever once ſhewed a proper Reſentment: But as ſome Gentlemen might perhaps think, this would be carrying the Thing farther than it ought to be carried at preſent; I ſhall leave thoſe who are to blame, if there be any ſuch, to the Reproaches of their own Conſcience, and proceed to examine the ſeveral Sorts of Inſult, and Injuries, that have been put upon the Nation; becauſe I am ſure, the leaſt we can propoſe to do upon this Occaſion, is to vindicate and eſtabliſh, as far as can be done by any Reſolutions of this Houſe, thoſe Rights and Privileges, which the Spaniards have, either by their own Raſhneſs or our Puſillanimity, been encouraged ſo frequently, ſo manifeſtly, and ſo contemptuouſly to violate.

'But before I begin, Sir, I muſt obſerve, that this is not the firſt Time our Merchants have applied to this Houſe for Redreſs; forthey applied twice before, but, I am ſorry to ſay it, ineffectually. Upon each of their former Applications they repreſented to us, how they had been ravaged and plundered; and as they, at each Time, fully proved their Allegations, they ought then to have met with Redreſs: A full and immediate Reparation ought then to have been peremptorily inſiſted on; and upon its being refuſed, or unreaſonably delayed, our Miniſters ought to have adviſed his Majeſty to declare War: This, Sir, they would have done, if they had not had a greater Regard for their own Eaſe and Security, than they had for the Honour and Intereſt of the Nation.

'The

'The Rights of this Nation, Sir, upon which the Spaniards have already encroached, and which they now dispute, are in themselves distinct; and though they come under several separate Heads, yet each of them is of Importance enough to have roused any Ministry, excepting our own, before this Time, to a just Resentment. The first Right I shall take notice of, is that which our Merchants and Sailors have, to sail with their Ships on any Part of the Seas of America, provided they do not touch at any Place possessed by the Spaniards, with a Design to carry on a Trade or Traffick with the Inhabitants. This is a Right, Sir, which is common to us with all other Nations; and therefore, by allowing ourselves to be disturbed in the Enjoyment of such a Right, we not only betray the Right of our own Subjects, but we betray those of Mankind in general. A Nation may, when not restrained by particular Treaties, forbid Foreigners to sail to, or traffick in, the Ports, Havens, or Creeks, within their Dominions, because in these they may have an absolute Property; but no Nation can have such a Property in the open Seas, as must entitle them to interrupt the Ships of other Nations in their Passage to and fro upon those Seas, about their own lawful Business. [illegible] it is by the Law of Nature [illegible] Will [illegible] diction over [illegible] since they are [illegible] lawful for the [illegible] Ports or [illegible] the Lung[illegible] carry on [illegible] carrying [illegible] were arrived [illegible] Parliament [illegible] ver[illegible] ever[illegible] diction over [illegible] This [illegible] falling [illegible] it interrupt[illegible] upon [illegible] some [illegible] [illegible] an[illegible] Ingen[illegible] that [illegible] Trans[illegible] using [illegible]

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'the two contracting Parties reſpectively, ſhall forbear
'abſtain from ſailing to, and trafficking in, the Ports
'Havens, which have Fortifications, Caſtles, or Wa
'houſes, or in other Places poſſeſſed by the other Party.'—
Conſequently the Subjects of both may lawfully, with re
gard to one another, ſail to, and traffick in, every Port
Haven, and other Place in America, not poſſeſſed by th
other; and that both Subjects may do this the more freel
and ſecurely, it is, by the 15th Article of the ſame Treaty
expreſly ſtipulated,——'That the Freedom of Navigatio
'ought, by no Manner of Means, to be interrupted, whe
'there is nothing committed contrary to the true Senſe an
'Meaning of that Treaty.'——Which evidently ſhews, tha
no Britiſh Ship ought to be ſo much as interrupted in her Na
vigation by any Spaniſh Ship, unleſs ſhe is actually foun
trafficking in ſome Places poſſeſſed by the King of Spain
And this will be ſtill more evident, if we conſider the whol
of this 15th Article; for by the firſt Part of it, it is declared
——'That that Treaty ſhall no Way derogate from an
'Preheminence, Right, or Signiory, which either the on
'or the other of the contracting Parties, have in the Seas
'Straights, or freſh Waters of America; and that they ſhal
'have and retain the ſame, in as full and ample a Manner
'as of Right ought to belong to them.'—Then follow thoſe
Words: 'Be it however underſtood, that the Freedom o
'Navigation ought, by no Manner of Means, to be inter
'rupted, when there is nothing committed contrary to th
'true Senſe and Meaning of this Treaty.'—From hence w
may ſee, that the laſt Part of this Article is by Way of Ex
ception to the firſt; and that though each Party is to conti
nue to enjoy every Preheminence, Right, and Signiory, h
before held, yet neither Party is to make uſe of any ſuch
Preheminence, Right, or Signiory, ſo as to interrupt the
Freedom of Navigation, when nothing has been committe
contrary to the true Senſe and Meaning of the 8th Article be
fore-mentioned.

'From what I have ſaid, Sir, it is evident, our Subject
have ſuch a Right as I have mentioned; and therefore m
firſt Motion ſhall be, that it is the Opinion of this Com
mittee, that it is the natural and undoubted Right of Britiſ
Subjects, to ſail with their Ships on any Part of the Seas o
America, to and from any Part of his Majeſty's Dominions
and that the ſeizing and confiſcating ſuch Ships, as ar
not ſailing and trafficking in the Havens and Ports whic
have Fortifications, Caſtles, Magazines, or Warehouſe
or in other Places poſſeſſed by the Subjects of the King o
Spain, is contrary to Equity and Juſtice, and a manifeſt Vio
lation of the Treaties ſubſiſting between the two Crowns.

'Bu

'But, Sir, as it would not, perhaps, be thought fair to desire a Question upon the Motion, without having previously given you Notice of all the following Propositions or Motions, I intend to make upon this Occasion, I shall state and explain every one of them regularly, in the Course I am to make them, before I desire your Opinion upon the Proposition I have now made. For this Purpose I must acquaint you, that the next Right, which I think now ought to be ascertained by a Resolution of this House, is, that which the Subjects of Great-Britain have, to carry [illegible] Sorts of Goods, Merchandize, or Effects, from one Part of his Majesty's Dominions to any other Part of his Majesty's Dominions. This Right is likewise a Right, which we enjoy in common with all other Nations; for the Subjects of every State have a Right to carry in their Ships whatever Goods they please, from one Part of their Dominions to another [illegible] be prohibited by a Law amongst themselves [illegible] Laws of any other Nation [illegible] Dominions [illegible] from Britain [illegible]

[illegible]

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only betwixt the Spaniards and us, but betwixt us and any other Nation, define contraband Goods to be Arms and Provision carrying to an Enemy. Theſe Goods are ſpecified in the Treaties, and it is expreſly declared that theſe, and no other, ſhall be deemed contraband. The Trade therefore in Diſpute betwixt us and Spain is properly a prohibited Trade, and there is no manner of Doubt that any Nation not reſtrained by particular Treaties, may make a Law for prohibiting the Importation or Exportation of any particular Sort of Goods they pleaſe, into or from their own Dominions. Of theſe Foreigners who trade with them are obliged to take Notice; and may be puniſhed, if they trangreſs the Laws of the Country with which they trade: But Foreigners who have no Deſign to carry on any Trade in that Country, nor to touch at any of its Ports, have no Occaſion to take the leaſt Notice of what Goods are prohibited in that Country; nor can they be puniſhed, tho' they ſail, in the open Seas, along the Coaſts of that Country, with ſuch Goods on board; for it is the Law of a particular Country alone that makes Goods prohibited; and where the Laws of that Country have no Force, the Goods cannot be ſuppoſed to be prohibited.

'Now, Sir, with regard to Britiſh Ships, trading to or from any Port in Old Spain, they may have prohibited Goods on board, and may, in a proper Manner, be ſearched by any Spaniſh Officer, properly commiſſioned for that Purpoſe; but with regard to any Britiſh Ship trading to or from any Port in New Spain, or in any of the Spaniſh Dominions in America, it is ridiculous to ſay ſhe can have any Sort of prohibited Goods on board, and conſequently ſo, the Goods on board, of whatever kind, muſt be Ship and Cargo may be ſeized and made Prize of ſhe had not one Shilling's Worth of any Sort of board, the Ship may be ſeized and made Prize either Caſe, ſhe is not ſeized for having contraband board, but for having been engaged in an unlawfu

'This, Sir, is the State of the Caſe with reſp hibited Goods; and if we examine the two fu Treaties between Spainand us, I mean the Treatie and 1670, we ſhall find them exactly agreeable t as I have ſtated it. In the Treaty of 1667, whic the Trade between Britain and Spain in general Mention made of prohibited Goods; but every ſee, that wherever there is any Mention made of Prohibited, it relates to the Trade between Britain Spain; and with reſpect to that Trade, it is deter that Treaty, what Sort of Goods ſhall be deemed pro and a Method is particularly preſcribed, which the Sp are obliged to obſerve, when they viſit Britiſh Ships, to or from any of the Ports of Old Spain, in ſearch of prohibited

hibited Goods. Whereas in the Treaty of 1670, which was made expreſly for regulating our mutual Affairs in America, the Word Contraband is not ſo much as once mentioned in the whole Treaty; and the Reaſon is very plain; for where there is no Trade, there can be no ſuch Things as prohibited Goods; and as all Trade in that Part of the World, between the Subjects of the two contracting Parties, was by that very Treaty expreſly forbid, therefore it would have been abſurd to have made any particular Regulations with regard to the Species of Goods, in which no Trade was to be carried on.

'I know, Sir, the Merchants pretend, that ſuch Goods which they ſometimes call contraband, are Goods which can be had no where but in the Plantations in America, and that therefore, if any ſuch Goods be found on board any of our Ships in their Return from a certain Port, they muſt have been there taken in at an illegal Trade, or from the Goods in that Part of the World, but I muſt now, for Argument's Sake, [illegible]

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of any Part of her Cargo; for nothing can intitle them to ſeize, and make Prize of a Britiſh Ship, but her being actually found trafficking in the Ports, Havens, or Places poſſeſſed by the Subjects of the King of Spain in America. Surely, Sir, an illicit Trade with the Spaniſh Settlements in America, does not fix ſuch a Vitium reale upon the Goods ſo brought from thence, that they may be ſeized or reclaimed by the Spaniards, wherever, and whenever, they can afterwards find them; and that notwithſtanding their having been ſold to a fair Purchaſer in an open Market. This would be allowing the Spaniards a greater Privilege with reſpect to Goods purchaſed from them at an equitable Price, though by means of an illicit Trade, than is uſually allowed to an Owner of ſtolen Goods by any Law in the World. It is a Priviledge which was never granted them by any Nation; and if we ſhould through Fear of a War make them ſuch a Conceſſion, I ſhould expect that they would ſoon pretend to come and ſearch our Bank, and all our Goldſmiths and other Shops in London, in order to ſeize and carry off all the Spaniſh Gold and Silver they found; for if they can, by the Means they have uſed, but once obtain one unjuſt Conceſſion, no Man can tell how far they may afterwards go, or where their Compaſſion towards us may induce them to ſtop.

'Upon this Point, Sir, I have been the more particular, becauſe I think the Spaniſh Miniſters, and our Miniſters together, have by their Memorials quite confounded it. By confounding the Treaty of 1667, with that of 1670, the Spaniſh Miniſters have inſiſted, and ours ſeem to have admitted, that there may be ſuch a Thing as contraband Goods on board Britiſh Ships, ſailing in the Seas of America; which I have ſhewn to be impoſſible: With reſpect to our South-Sea Company's Ships, they may I admit carry on a prohibited Trade, becauſe they are by Treaty allow'd to have a Trade under certain Reſtrictions with the Spaniſh Weſt-Indies; but no other Ship of ours being by Treaty allow'd to have any Trade with them; they never can fall under the Intention of the Treaties made to regulate the South-Sea Trade: Therefore, I am ſurprized to find, that our Miniſters allowed the Word Contraband to be brought into the Diſpute; at leaſt I am ſurprized, that upon its being firſt mentioned, they did not explain the Point much more clearly than I find they have done in any of their Memorials; for this ſeems to be the principal Point in Diſpute between us, and ought therefore to have been explained in the moſt clear and ſuccinct Manner.

'As this has not, in my Opinion, yet been done, and as it is a Matter of great Importance, I think, Sir, it ought to be done by this Houſe; and for this Purpoſe, the next Motion

I

ll make, ſhall be for this Committee, to reſolve that it is Anno 11. Geo. II. 1737.
ndiſputable Right of the Subjects of Great Britain, to carry
heir Ships all Sorts of Goods, Merchandize, or Effects,
one Part of the Britiſh Dominions, to any other Part of
Britiſh Dominions; and that no Goods, Merchandize, or
Cts ſo carried, are by the Law of Nations, or any other Trea-
bſiſting between the two Crowns, to be deemed or taken as
raband Goods, and that the ſearching of ſuch Ships on
pen Seas, under Pretence of finding contraband Goods,
ghly injurious to the Trade of this Kingdom; a Viola-
of the Law of Nations, and an Infraction of the Treaties
ſting between the two Crowns.

I muſt now take Notice, Sir, of the Right which the Sub-
of Great Britain have to Poſſeſſions in the Province of
tan, and to cut Logwood in the Bay of Campechey.
s is a Right peculiar to this Nation; but it is a Right
ch the Spaniards cannot, with the leaſt Shadow of Reaſon,
rovert, becauſe we were in Poſſeſſion of Lands in that
vince, and were in Uſe to cut Logwood wherever we
ſed in that Bay, long before, and at the Time of the Trea-
f 1670; and ſince by the 7th Article of that Treaty it is
reſly ſtipulated, —— 'That the King of Great Britain,
is Heirs and Succeſſors, ſhall have, hold, keep, and al-
ays poſſeſs, in full Right of Sovereignty, Signiory, Poſ-
ſion, and Propriety, all the Lands, Countries, Iſlands,
olonies, and other Places, be they what they will, lying
d ſituate in the Weſt-Indies, or in any Part of America,
hich the ſaid King of Great Britain and his Subjects now
old and poſſeſs; inſomuch that they neither can nor
ght hereafter to be conteſted or called into Queſtion, upon
y Account, or under any Pretence whatſoever;'——
refore it muſt be granted, we have an unconteſtable Right
oſſeſs the ſame Lands in that Province, and to cut Log-
d in that Bay; unleſs it could be ſhewn, that we have by
e Treaty ſince that Time given it up But ſo far other-
, that this Treaty, and this very Right, has been con-
ed by every Treaty, between the two Crowns, ſince that
e; and by the firſt Article of the Treaty of Commerce
Utrecht, this Right is not only confirmed, but farther ex-
ned, by the Addition of theſe remarkable Words: ——
Vithout Prejudice to any Liberty or Power, which the
ubjects of Great Britain enjoyed, either through Right, Suf-
rance, or Indulgence.'

But, Sir, to put this Matter beyond all Diſpute, I muſt
aint you, that as ſoon as the Spaniards began to conteſt
Right with us, which was very ſoon after the Treaty of
echt, notwithſtanding the Words I have mentioned, his
Majeſty referred it to the Board of Trade, and that Board,

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after a ſtrict Enquiry, and full Information, reported,— ‘ That the ſaid American Treaty did eſtabliſh a Right in t ‘ Crown of Great Britain to the Languna de Termines in t ‘ Province of Jucatan, and the Parts adjacent; thoſe Place ‘ at the Time of the Treaty, and for ſome Years befor ‘ being actually in the Poſſeſſion of the Britiſh Sub ‘ jects.’

‘ From what I have ſaid, Sir, it is plain, that this Righ is ſtill in the Crown of Great Britain, and therefore the 3d Reſo lution I am to propoſe ſhall be, That it may be reſolved, tha the Subjects of Great Britain did hold, and poſſeſs Lands in th Province of Jucatan in America, antecedent to and at the Tim of the Treaty of 1670; which Treaty confirmed the Right, t every contracting Party, of ſuch Lands or Places, as either di at the Time hold and poſſeſs. And that the Subjects of Grea Britain then had, and have at all Times ſince claim'd a Righ of cutting Logwood in the Bay of Campechey, and enjoye the ſame without Interruption till of late Years: Whic Right ſeems further particularly ſecur'd to us, by the Manne in which the firſt Article of the Treaty of Commerce at U trecht, confirms the Treaty of 1670, with theſe remarkabl Words ;—‘ without Prejudice to any Liberty or Power, whic ‘ the Subjects of Great Britain enjoyed, either through Righ ‘ Sufferance, or Indulgence.

‘ I am now come, Sir, to the laſt Right, which I ſhall tak Notice of upon the preſent Occaſion ; which is that Right o Subjects have to gather Salt on the Iſland of Tortugas, an un inhabited Iſland in the Weſt-Indies, which the Spaniards ſa belongs to them; but by what Right I do not know; for the have neither Fort, Caſtle, nor Warehouſe, upon the Iſlan nor any other Sign of Poſſeſſion that I know of. Howeve ſuppoſe they have the Property, or rather the Dominion that Iſland, 'tis certain we were in Uſe, and claimed a Righ to gather Salt there, before and at the Time of the Treaty 1670 ; therefore this Right was confirmed to us by that Tre ty, and reconfirmed by the Treaty of Commerce at Utrecht Bu this is not all, Sir, with reſpect to this Right ; we have a expreſs and a particular Convention between Spain and us plead in its Favour. By the 3d Article of the Treaty of Commer between Great Britain and Spain, concluded at Madrid the Year 1715, this Right or Privilege is expreſly confirm in theſe Words : — ‘ His Catholick Majeſty permits the ſa ‘ Subjects (meaning Britiſh) to gather Salt in the Iſle of To ‘ tugas, they having enjoyed this Liberty in the Reign of Kin ‘ Charles II. without Interruption.’

‘ From all theſe Treaties, and from a Poſſeſſion almoſt un interrupted for above 60 Years, one would have thought Sir, the Spaniards would never have attempted to diſturb us

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the Possession of a Right, is often, if openly, and solemnly declared by the Power, on whom, or against whom it is exerted, the Right of a Nation, whose Interest it is to be valued in its Neighbourhood. Notwithstanding all this Parade, the Spanish, about five Years since, attacked our Fleet of Merchant Ships, that was gathering Salt on the Island, and destroyed divers of the Royal Ships of War, leaving as their Convoy, and sunk and made Prize of several Merchant Ships, and would have taken a great many more of them, if it had not been for the great Conduct and valiant Behaviour of the Gentlemen that commanded the Men of War, then serving as their Convoy: who notwithstanding the great Superiority of the Enemy, kept them in Play, till most of the Merchant Ships got off, and thereby shewed to the Spaniards, that their Impunity was not owing to the Cowardice of our Sea-Captains, but to the Timorousness of our Ministers. As that Gentleman then shewed first he had Courage to attack, as well as Conduct to defend, I hope if we do come to a Rupture with Spain, he will be one of the first that shall be commissioned.

'This Outrage, Sir, was not committed by Stealth, or by Persons not properly commissioned: It was not committed by common Guarda Costa's, who, often, have their Commissions only from the Spanish Governors in America. No, Sir, it was committed openly, avowedly, and by Spanish Men of War, bearing the King of Spain's Commission, and having express Instructions from his Governors for what they did.

'These Instructions, Sir, were not to persuade, but to compel, as all Instructions to Ships of War ought to be; for Fleets or Armies were never, till of late Years, sent out as Orators or Ambassadors; they were never sent out but against those that had been found to be obstinate; and the Obstinate were generally at last obliged to pay the Charges of fitting them out.

'For my Part, Sir, I am surprised, that such an open and avowed Insult upon the Flag of the Crown of Great Britain, was not pursued with immediate Vengeance: I am surprized we had the Patience to send to the Court of Spain to demand Satisfaction and Reparation; and yet, Sir, I don't find that we have hitherto received any Satisfaction for the Affront, nor any Reparation for the Damage done. Nay, the Spanish Court seems to mind it so little, that they have not so much as once mentioned it in their last Memorial. This Affair, I must say, Sir, puts me in mind of the Story of a Gentleman, who, upon receiving a Box on the Ear, asked him that gave it, if he was in Jest or in Earnest; and upon the other's answering, he was in great Earnest, the honest Gentleman replied only,

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only, I am glad you are, Sir; for I do not like ſuch J
Whether we had our Joke upon this Occaſion, I do
know; but I hope the Nation will not content itſelf
returning a Joke for ſuch a ſerious Blow.

'It is not Reſtitution, Sir, it is not Reparation, that
atone for ſuch an avowed Inſult; nothing can ſatisfy the
nour of the Britiſh Flag, but the Inflicting of a condign
niſhment upon thoſe Captains that committed the Outr
or upon the Spaniſh Governor that gave the Inſtructions.
ther the one or the other muſt be hung up, and, I think, h
in Chains too, upon the Iſland where the Outrage and R
bery was committed, as a Monument of Britiſh Reſentm
If we are negociating, if we continue to negociate, this ou
to be inſiſted on as a Preliminary; and if it is not granted
Preliminary, we ought immediately to break off Negociati
and revenge ourſelves upon the Country, that dares to
tect ſuch Criminals; for if we allow ſuch an Affront as
to paſs unrevenged, I will take upon me to foretel, that
Spaniards will perform no Promiſe they make to us, nor
ſerve any Treaty they conclude.

'However, Sir, I ſhall be for leaving it entirely to his
jeſty to determine, what Satisfaction or Reparation ough
be deemed ſufficient; but as to the Right we have of gat
ing Salt in that Iſland, I think it ought to be aſſerted b
Reſolution of this Houſe: Therefore the 4th Propoſiti
ſhall make to you, ſhall be, to reſolve, that the attacking
Fleet of Ships gathering Salt in the Iſland of Tortugas,
under Convoy of one of his Majeſty's Ships of War, by
Men of War belonging to the King of Spain, firing on
Convoy, and taking four of the ſaid Ships, was a notorious
fraction of the Convention ſign'd at Madrid, December
1715, and a high Inſult on the Honour due to the Fla
Great Britain.

'Having thus, Sir, mentioned and explained the ſev
Rights of this Nation in America, which I take to be of
Conſequence, that they ought to be particularly eſtabli
and aſſerted, in the moſt ſolemn and the moſt explicit M
ner, by the Reſolutions of Parliament; I ſhall next take
tice, that it appears that the Court of Spain, though it
not in direct Terms deny that we are entitled to ſome of
Rights by the Treaties I have mentioned, yet that it raiſ
many Difficulties, and claims ſuch Privileges as in the
amount to a total Prohibition of all the Britiſh Nav
tion and Trade in America. It has likewiſe been prov
our Bar, that the Subjects of this Nation have been diſtu
and interrupted in the Exerciſe of every one of them, by
Spaniſh Guarda Coſtas in America. The Spaniards hav

te Years not only ſeized and confiſcated our Merchants-Ships r carrying on their lawful Trade in the Iſland of Tortugas d Bay of Campechey; but they have ſtopt, ſearched, and andered them, for ſailing upon the open Seas of America; d have even ſeized and made Prize of them, for tranſport- g ſome Sorts of Goods from one Part of his Majeſty's Do- inions to another, in manifeſt Violation of the known ights and Privileges of the Britiſh Nation.

'Theſe are Rights, Sir, which are all ſo firmly eſtabliſhed us by Treaties; they are Rights which we have been ſo ng in Poſſeſſion of, that I am ſurprized how the Spaniards ould find a Pretence for controverting any one of them; but hen I conſider the great Superiority of our Naval Force, nd the great Expence we have been at of late Years in ſup- orting that Naval Force, and in fitting out almoſt every Year ormidable Squadrons, I am much more ſurprized to find, that he Spaniards have been ſo long allowed not only to controvert, ut actually to interrupt and diſturb us in the Poſſeſſion and Ex- rciſe of thoſe Rights. If they had reſted ſatisfied with deny- ng that we had any ſuch Rights; if they had refuſed to ac- nowledge them in direct and explicit Terms, we might, for he Sake of Peace and Conveniency, have ſubmitted for a hort Time to ſuch a Piece of Injuſtice; but their plun- ering and making Prize of our Merchant-Ships, for exerciſ- ng any of thoſe Rights, is an Injury which we cannot in Honour ſubmit to; and their pretending to ſtop, ſearch, or eize, under any Pretence whatſoever, thoſe Britiſh Ships, which they find ſailing upon the open Seas, either in America or elſewhere, is an Uſurping of a Right or Dominion which is inconſiſtent with that Trade, which is the Life and Soul of this Nation; and therefore claimed our utmoſt Attention, in the very Beginning. We all know, Sir, how ſoon Proſcrip- tion eſtabliſhes a Right: Uſurpations of every Kind gather Strength from their Continuance, and that which was at firſt a moſt unjuſt and a moſt violent Uſurpation, may at laſt be- come a ſettled and an uncontrovertable Right.

'I muſt confeſs, Sir, that from our Conduct of late Years, I am apt to ſuſpect, there are ſome againſt us, who think the Matters now in Diſpute between Spain and us, of ſo little Conſequence, that no one of them is worth our contending for. If there be any ſuch Gentlemen in this Houſe, it would be eaſy to ſhew, that they are moſt egregiouſly miſtaken; it would be eaſy to demonſtrate, that every one of the Rights I have mentioned, is of ſuch Conſequence to our Trade (which is the chief Support of our Riches and Power, and the only Support of our naval Power) that we ought to contend for it as if we were contending *pro aris & focis*,; but I cannot well ſuppoſe there are any ſuch Gentlemen in this Houſe, and therefore I ſhall not at *preſent* enlarge upon this Point; be-

cauſe

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cauſe by our being now in a Committee, I have a Privileg
ſpeaking again upon the ſame Subject; and that Privileg
ſhall beg Leave to make uſe of, if I hear any Gentleman
tend to inſinuate (for I know it will not be directly affir
that none of the Rights I have mentioned, are worth the C
of a Britiſh Parliament.

'For this Reaſon, I ſay, Sir, I ſhall not now inſiſt upon
great Conſequence of all or any of the Matters which
Spaniards have been of late tamely allowed to diſpute with
and as I believe no Gentleman will ſay, but that it has be
fully proved at our Bar, that our Merchants have been p
dered, our Ships unjuſtly ſeized and confiſcated, and our
men cruelly uſed; therefore, without making an ungrate
Repetition of the Indignities and Injuries which have be
proved at our Bar, I ſhall mention to you the 5th Motion
deſign to make; which is, That for many Years laſt paſt, th
Liberty of Navigation in the American Seas hath be
unjuſtly diſturbed by the Spaniards, under Pretence of ſear
ing for and finding illict Trade; the Britiſh Ships unlaw
fully ſeiz'd upon the open Seas, plundered, and confiſcated
the Sailors robb'd, and inhumanly tortur'd, impriſoned
made Slaves, to the grievous Loſs of the Merchant
ſtruction of the Commerce, and the Diſhonour of th

'And the laſt Propoſition I ſhall make to you, Sir,
Occaſion, ſhall be, that notwithſtanding the repeated
tion to Parliament, the Treaty of Seville, and the A
ſo frequently given to the Merchants, of procuring
tion for their Loſſes, and ill Uſage, and notwithſtand
Expectation of the Nation of receiving juſt and ampl
faction for the Cruelties exercis'd on its Subjects, and
ſults offer'd to itſelf, nothing has in ſo many Years be
tain'd from the Court of Spain, effectually to ſatisfy the
repair the Injuries, or retrieve the Honour of the Nation
the ſaid Treaty of Seville, ſo advantageous to Spain, hath
punctually executed on the Part of Great-Britain,

'This likewiſe, Sir, is a Propoſition which I cannot t
any Gentleman in this Houſe will pretend to oppoſe; at l
I cannot ſuggeſt to myſelf any plauſible Reaſon for oppo
it. Every Gentleman knows, how many Petitions have
preſented to this Houſe by our plundered Merchants and
men: For ſeveral Years, we have ſeldom been a Seſſion w
out having one or more ſuch Petitions preſented to us. U
theſe Applications we haveal ready twice addreſſed the Cro
We have already twice declared, that we would ſupport
Crown in any Meaſures that ſhould ſeem neceſſary for vi
cating the Rights and the Honour of the Nation; ſo th
our Fellow-Subjects ſtill remain unſatisfied, if thoſe Ra
and Depredations are ſtill continued and multiplied upo

if the Honour of the Nation ſtill lies grovelling in the Duſt, the Fault cannot be laid at our Door. Former Miniſters have been known, Sir, to excuſe themſelves, ſometimes with Reaſon, oftner with none, by ſaying that the Parliament refuſed to ſupport them in thoſe Meaſures that were neceſſary for protecting the Trade, or vindicating the Honour of the Nation; but our Miniſters never can plead that Excuſe. Indeed I muſt ſay, if Negotiations, if Letters, Memorials, and Repreſentations, had been Methods proper or ſufficient for obtaining Redreſs, it appears from the Piles of Papers that have been laid before us, that our Miniſters have not been remiſs in endeavouring to obtain Satisfaction and Reparation for the Injuries and Inſults we have met with; but, in my Opinion, they have very much miſtaken the Methods proper to be made uſe of upon ſuch Occaſions.

'It is amazing, Sir, to take a View of the Heaps of Letters, Memorials, and Repreſentations, which we have already before us, relating to this Affair. They look more like the Papers belonging to an hereditary Suit in Chancery, than like the Papers belonging to a Negotiation between two ſovereign and independent Nations. In a Suit at Law, or in Equity, it is the Buſineſs of thoſe who carry on the Suit, to prevent its being ſpeedily brought to a Concluſion, becauſe they get ſo much by it yearly, and termly, as long as the Suit continues, and thoſe annual Profits muſt ceaſe as ſoon as the Suit is at an End; and as they are paid by the Sheet, without any Regard to the Matter, it is their Intereſt to heap Proceſs upon Proceſs, and in every Paper, to be as verboſe and prolix as their Invention can ſuggeſt. But Negotiators are never paid by the Sheet, nor ought they to be made to expect their chief Reward till after the Negotiation is brought to a Concluſion; therefore it is not their Intereſt to be verboſe, or to heap Memorial upon Memorial; nor is it their Intereſt to ſpin out a Negotiation. I hope Sir that no Negotiation in which we have been lately concerned has been ſpun out for the ſake of continuing Salaries to the Negotiators: I hope that none of thoſe Letters, Memorials, or Repreſentations have been multiplied or extended, for the ſake of adding to, or encreaſing the Salaries of thoſe who were concerned in drawing them up; therefore I cannot avoid being ſurprized at the Multitude and the Length of thoſe Papers, which ſeem to belong to the late Negotiations between Spain and us.

'Beſides, Sir, in all Negotiations it is generally the Duty of the Negotiators, of one Side or other, to bring the Negotiation to a ſpeedy Iſſue; but where a Nation has been injured, and is in a Condition to revenge itſelf, it is more particularly incumbent upon its Negotiators to bring the Negotiation to an immediate Iſſue, of one kind or other; and for that Purpoſe,

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to be ſhort and ſubſtantial in every Memorial, Anſwer, or Reply, they deliver, and peremptory in every Demand they make. When the known Rights of a Nation are invaded, it is ridiculous to enter into a tedious and metaphyſical Diſcuſſion of the Point of Right; and ſtill more ridiculous to make long Anſwers to every Quirk, becauſe there would in that Caſe be no end of Cavilling; for the Councils of Nations are never to be ſwayed by ſubtle Arguing, nor is it conſiſtent with the Dignity of Sovereigns to plead their Cauſe, like Barriſters pleading for their Clients before a Court of Juſtice.

'When an independent and a powerful Sovereign has been injured, he that ſpeaks in his Name, Sir, may explain the Nature of the Injury that has been done, and ought to wait a reaſonable Time for an Anſwer: He may even go the Length of a Reply; but if any ſophiſtical Arguments or deluſive Evaſions have been made uſe of in the Anſwer given him, he ought to think it beneath the Character he bears, to take Notice of them in his Reply; and the Concluſion of his Reply ought always to be a peremptory Demand of Juſtice within a Time limited. This is the utmoſt Length a Sovereign ought to go, if he be at that Time in any tolerable Condition for doing himſelf Juſtice; and if we had made uſe of this Method of Negotiation with Spain, I am convinced the Inſults and Injuries put upon us by that Nation, would have been far leſs numerous, and leſs diſhonourable for us, than they are at preſent.

For this Reaſon, Sir, if our Negotiations muſt be continued yet a while longer, I hope they will be put upon a different Footing, and carried on in a different Manner, from what they have been; but for my part, I do not ſee what Security we can expect from any Negotiation or Treaty; for tho' the Treaty of Seville be not ſuch a one as it ought to be, and might have been, if the Squadrons we were at the Expence of fitting out about that Time, had received Orders to compel as well as perſuade, yet by that Treaty the Crown of Spain engaged itſelf, almoſt as expreſsly as it can, I believe altogether as expreſſly as it will, be engaged by any Treaty we can now obtain by peaceable Means, to give Satisfaction for all the Depredations that had been committed before that Time, and to prevent any ſuch for the future. By the very firſt Article of that Treaty, all former Treaties were renewed and confirmed; and by the firſt ſeparate Article, moſt of the Treaties between the two Crowns are particularly mentioned, and again expreſsly confirmed; from whence we may ſee, that the Crown of Spain was engaged by that Treaty, as much as it can be by general Words in any Treaty, to prevent any Injuries being done by the Subjects of Spain to the Subjects of Great-Britain. 'Tis true,

the

the Treaty of 1670 is not mentioned among the reſt in the firſt ſeparate Article of the Treaty of Seville, nor is it mentioned in the other famous Treaty, made between Spain and us in the Year 1721. Whether this happened by Neglect, or if there was any hidden Deſign in not mentioning that Treaty among the reſt, I ſhall not pretend to determine; but I cannot think the Spaniards will from thence pretend to ſay, we have paſſed from, or given up that Treaty; becauſe I do not think it is their Intereſt to ſay ſo: For if it could be ſuppoſed, that there is no ſuch Treaty now ſubſiſting between the two Crowns, there is nothing to hinder us from trading with their Subjects in New Spain by open Force; any Laws or Prohibitions they could make againſt ſuch a Trade, would be of very little Signification: Even all the Guarda Coſta's they could ſend thither would be far from being able to prevent our carrying on ſuch a Trade; becauſe we could ſend ſufficient Squadrons of Men of War to protect all our Merchant-Ships employed in that Trade, without a Breach of any Article either in the Treaty of 1721, or in the Treaty of Seville.

Then, Sir, with reſpect to the Depredations that had been committed upon our Merchants before the Concluſion of that Treaty, we know that by the 6th Article thereof, Commiſſaries were to be appointed to examine and decide what concerned the Ships and Effects taken at Sea, and alſo all our pretenſions relating to Abuſes committed in Commerce, and all other Pretenſions as well in the Indies as in Europe; his Catholick Majeſty expreſsly engages, to cauſe to be executed punctually and exactly, what ſhould be decided by ſaid Commiſſaries, within ſix Months after the making their Report. Theſe Commiſſaries, this Nation has Reaſon to know, were accordingly appointed; but as the Spaniards had never, I believe, an Intention to perform this Engagement, they took Care that their Commiſſaries ſhould never agree to any Report; and upon this frivolous Pretence, I ſuppoſe, among others of the ſame Kind, they have ever refuſed to make us the leaſt Satisfaction for any of the Depredations committed before the Concluding of that Treaty, tho' it be now above eight Years ſince the Treaty was concluded, and above five Years ſince the Commiſſaries ought to have made their Report, according to the eighth Article of the ſame Treaty.

From what I have ſaid, Sir, it will appear, I think, that we can have no great Expectations from any future Treaty we can make; but whatever may be the Succeſs of our preſent Negociations, whatever we may expect, whatever Advantage we may reap from any future Treaty, it is certain we have as yet received no Satisfaction or Reparation,

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notwithſtanding the expreſs Promiſes made by the Treaty of Seville, and notwithſtanding that Treaty's having been performed by us in the moſt punctual Manner; nay, in a Manner prejudicial to ourſelves, and highly advantageous to Spain: Therefore I hope no Oppoſition will be made againſt that Part of the Reſolution I am to move for. Then as to the Aſſurances that have been given our Merchants, of procuring Reparation for their Loſſes and Ill-uſage, they have been ſo frequent, ſo expreſs, and are ſo well known, that I cannot think I have the leaſt Occaſion for repeating or explaining them; for which Reaſon, I ſhall for the preſent conclude with begging, that Gentlemen would conſider for what Purpoſes we ſit here. We aſſemble in this Houſe, in order to receive the Petitions, and hear the Complaints of our injured Subjects; but we are not to receive and hear only, we are likewiſe in Duty bound to provide a Remedy for the Grievances they juſtly compain of, and to take the moſt effectual Meaſures for that Purpoſe. We have twice already come to general Reſolutions upon this Subject: We have twice already found, that ſuch general Reſolutions have produced no Effect; therefore it would be unpardonable in us to proceed no farther upon the preſent Occaſion. Perhaps ſome Gentlemen may think, we ought now to go much farther than I have taken the Liberty to propoſe; but I cannot think any Gentleman will oppoſe our going thus far; for the leaſt we can do is, to aſſert thoſe national Rights which ſeem of late to have been neglected; becauſe, after ſuch a ſolemn and publick Declaration of our Rights, I hope no Miniſter will hereafter dare to give up any of them by Treaty, or to allow them to be any longer incroached on and violated, under the Pretence of a Negociation.'

The Anſwer to this was by Sir Robert Walpole, to the following Effect:

Sir R. Walpole.

Sir,

'I do not riſe up to oppoſe, or in the leaſt to diſpute any of the Rights or Privileges which the honourable Gentleman has been pleaſed to mention. I am fully convinced, that this Nation has an indiſputable Title to all thoſe Rights and Privileges, and I ſhall always be as zealous for defending them as that Gentleman or any other: Nay, I am convinced, that no Britiſh Subject will pretend to controvert any one of them; and therefore I ſhall readily agree with the honourable Gentleman in every Thing he has ſaid in Support of thoſe Rights and Privileges; but I cannot agree with him in thinking, that upon this Occaſion they ought to be ſo particularly vindicated and aſſerted by the Reſolutions of this Houſe. I cannot think there is at preſent the leaſt Occaſion for our coming to any ſuch Reſolutions; becauſe, I believe, there is no Britiſh

British Subject that will pretend to queſtion any of the Rights he has mentioned, or that will have to ſay, that any one of them ought to be given up. It is, to be ſure, unneceſſary, and I muſt think inconſiſtent with the Dignity of this Houſe, to come to any Reſolution for determining a Queſtion that is not diſputed by any Subject of Great Britain; and with reſpect to Foreigners, our Reſolutions cannot be of any Signification; becauſe Foreigners are no way bound, nor can they be ſure-ſtiled by any of our Determinations.

'But this is not all, Sir; our coming to ſuch particular and peremptory Reſolutions, is not only unneceſſary, but it would be hurtful. It would be puſhing the Thing a great deal too far; becauſe it would, in my Opinion, make a War unavoidable. Though every one of the Rights and Privileges the honourable Gentleman has been pleaſed to mention, be ſecured to us, either by the Law of Nations, or by ſolemn Treaties, or by both; yet we all know, that they are now, and always have been, ſo far diſputed, that the Court of Spain has never yet acknowledged them, in explicit Terms, notwithſtanding its having been brought often to a very low Paſs. In treating between ſovereign and independant Powers, there are certain Methods and Forms to be obſerved, which are abſolutely neceſſary for bringing any Treaty of Peace, Commerce, or Alliance, to a Concluſion. A ſovereign Prince or State may often be prevailed on to acknowledge a Right or Privilege, or even to make ſome new Conceſſions, by general Words, which may be equivalent to, and as effectual as, the moſt expreſs and particular Declaration; and yet that Prince or State would perhaps engage in, or continue the moſt dangerous and deſtructive War, rather than make ſuch an expreſs and particular Declaration. For this Reaſon it is uſual and frequent in all Treaties, to make uſe of general Words, in thoſe Caſes where either of the contracting Parties think they cannot in Honour agree to acknowledge a Right, or make a Conceſſion, in expreſs and particular Terms.

'This, Sir, has often been the Caſe, particularly between Spain and us. I believe no Gentleman will doubt of our Right to the Iſland of Jamaica. I believe no Britiſh Subject will ſay, that it is not abſolutely ſurrendered and ſufficiently ſecured to us, by the Treaties now ſubſiſting between the two Crowns; and yet it is a Right which the Spaniards ſtill pretend to diſpute. It is a Right which they have never yet acknowledged in expreſs and particular Terms. Even in the Year 1670, when they were ſuing for a Peace, and for ſome new Regulations in the Weſt-Indies, and ſuing for it, Sir, in as humble a Manner as ever a Nation, not abſolutely reduced,

' then held and profeſſed.' This we then thought a ſufficient Acknowledgment of our Right to that and it ſeems our Opinion was the ſame at the Time Treaty of Utrecht, a Treaty, which, I am ſure, ſo themſelves that hear me will not pretend to find fault w though by that Treaty we may in ſome Meaſure b have given the Pargaints both of Old and New that Family, which has ſince given us ſo much Dif yet we did not then deſire by Way of Retribution a and particular Acknowledgment of our Right to th nor of any other of our Rights or Privileges in A The Authors of that Treaty, Sir, being of Opinion, that the Stipulations contained in other Treaties ſu ſecured them.

' From the Practice of all Nations therefore, a our own Practice in former Treaties, we not only n ſometimes ought to ſatisfy ourſelves with general W Expreſſions, in Caſes where ſuch general Words or ſions may be as effectual, and may render what we a ſecure and indiſputable as if it had been declared or in the moſt particular and explicit Terms. But, S the preſent Caſe, this Houſe ſhould come to ſuch Re as have been propoſed, it would render it impoſſib afterwards to accept of, or propoſe, any ſuch gen knowledgments or Conceſſions. The Reſolutions by the honourable Gentleman, would cramp our and Negociations, who would regard them as Ru which they could not depart. In ſuch a Caſe, I be Miniſter would take upon him to adviſe his Maieſty

making Peace or War, I ſhall leave to others to determine; for my own Part, I muſt think, that it would not only be a taking from his Majeſty the Power of making Peace, but that it would be taking from him the Power of judging what Sort of Inſtructions would be moſt proper to be ſent to his Ambaſſadors or Envoys at any foreign Court, or to his Plenipotentiaries at any future Congreſs. But this is not the only Diſadvantage ſuch a Method of Proceeding would be attended with: In my Opinion, it would not only make War unavoidable, but it would likewiſe make Peace unattainable, till one or other of the Parties engaged, were almoſt utterly deſtroyed; for though the Spaniards may probably in the Way of Negociation be brought to acknowledge and confirm all the Rights and Privileges held in Diſpute between them and us, in general Terms, or perhaps in more particular and expreſs Terms than are to be found in any former Treaty between the two Nations, yet I am convinced, they will never agree to Acknowledgments ſo very explicite and particular, as thoſe contained in the Propoſitions that have been now laid before us. At leaſt I am convinced, they can never be prevailed on to do ſo, unleſs we ſhould have the good Luck, by a long and ſucceſsful War, to bring them to as low an Ebb, as every any Nation, not abſolutely conquered, was brought to. We may with as much Probability of Succeſs propoſe forcing them to ſign a Carte Blanche, as to propoſe, either by fair or foul Means, to compel them to make ſuch particular Conceſſions as are mentioned in the Propoſitions now before us; and I do not think it is our Intereſt to endeavour to bring that Nation ſo low, even though we were certain of Succeſs, and that the other Powers of Europe would ſit ſtill, and tamely behold our Triumphs, without either Jealouſy or Envy.

'Now, Sir, as I think every one of the Rights at preſent in Diſpute between Spain and us, may be as fully ſecured to us by general Words in a future Treaty, as by particular Declarations and Conceſſions: As I think we may, in Conſequence of ſuch a Treaty, continue to enjoy thoſe Rights, with as little Diſturbance as we now enjoy the Iſland of Jamaica; therefore, if our Miniſters can obtain ſuch a Treaty, without putting the Nation either to the Hazard or Expence of a War, I muſt think they will do their Country a Piece of good Service; and conſequently, I muſt think, it would be wrong in this Houſe, to put it out of their Power to negociate, or to adviſe his Majeſty to approve of a Treaty, that may attain all the good Ends propoſed by the honourable Gentleman's Reſolution, and avoid all their Inconveniences. I have, I have always ſhewed a very great Regard for the Merchants trading to and from our Plantations: I have

Anno 11 Geo. II. 1737-8.

have as great a Regard for them, and I think them as uſeful a Body of Men as any in the Kingdom; but we muſt conſider, Sir, that we have a great Number of Merchants concerned, and a very conſiderable Trade, a moſt beneficial Trade to this Nation, in Spain and the Mediterranean. The former might, perhaps, be no great Loſers, they might even be Gainers by a War; whereas the latter would certainly be undone; and if the War ſhould be of any Duration, ſome Branches of our Spaniſh and Mediterranean Trade might perhaps be irrecoverably loſt. I hope I may be allowed to have ſome Regard for our Spaniſh, Italian, and Turkey Merchants. Upon their Account I ſhall always be for avoiding a War with Spain, as long as poſſible, and ſhall never give my Conſent to any Meaſure or Reſolution, that I think will breed ſuch a Quarrel between the two Nations as muſt end in the Deſtruction of one or other.

'For this Reaſon, Sir, I ſhall be againſt our coming to any particular and peremptory Reſolutions, with reſpect to any of the particular Rights the Spaniards now pretend to conteſt; but I ſhall moſt readily agree to any Motion that can be propoſed, for ſhewing it to be our Opinion, that our Merchants have fully proved their Loſſes, and that the Depredations that have been committed are contrary to the Law of Nations, contrary to the Treaties ſubſiſting between the two Crowns, in ſhort, that they are every Thing bad, and without the leaſt Pretence or Colour of Juſtice. This, I ſay, I ſhall moſt willingly agree to, becauſe I think the Petitioners have fully proved the Allegations of their Petition; I think they have fully proved, that the Subjects of this Kingdom have met with ſuch Treatment from the Spaniſh Guarda Coſta's and Governors in America, as deſerves the higheſt Reſentment; but ſtill, I think, if proper Satisfaction and full Reparation can be obtained by peaceable Means, we ought not to involve the Nation in a War, from the Event of which we have a great deal to fear; and the utmoſt we can hope for from the moſt uninterrupted Succeſs, is a proper Satisfaction for paſt Injuries, and a proper Security againſt our meeting with any ſuch hereafter, both which we are bound to think there are ſtill Hopes of obtaining by way of Negociation; becauſe, if it had been otherwiſe, his Majeſty would certainly have acquainted us with it, and would have deſired us to provide for obtaining by Force, what he ſaw was not to be obtained by fair Means.

'As for the Method, Sir, in which our Negociations have been hitherto carried on, I do not think an Enquiry into it can, upon the preſent Occaſion, come properly before us; but if it could, I believe it would be eaſy to ſhew, that they have been carried on in that Manner, which was the

the moſt proper for producing an Accommodation of all the Differences ſubſiſting between the two Nations. I ſhall grant, that there are certain Periods, and certain Circumſtances, which may make it the Intereſt of a Nation to be peremptory in every Demand they make, and not to be at any great Pains to ſhew the Reaſonableneſs of their Demands, or to anſwer the Objections that may be made to them; becauſe, as a Nation may ſometimes have a Conqueſt in View, and may think they have got a ſeaſonable Opportunity for accompliſhing their Deſign, it may be more for their Intereſt to come to an open Rupture, than to continue in Peace upon the moſt equitable Terms; but this can ſeldom or never be the Caſe of this Nation; I am ſure it is not our Caſe at preſent, nor has it ever once been our Caſe for above theſe twenty Years paſt; and therefore, it would have been, and ſtill would be, Madneſs in us, to go to War with any of our Neighbours, if there be any Probability of obtaining Juſtice in a peaceable Manner.

'From this Conſideration we may ſee, Sir, that it would be imprudent in us to be peremptory in the Demands we make upon any of our Neighbours; and for the ſame Reaſon, we ought to be at ſome Pains to explain the Reaſonableneſs of our Demands, and to anſwer all the Objections that may be made againſt them. But with reſpect to Spain, we ought, in my Opinion, to have more Patience, and to treat in a milder Method with them, than with any other Nation in Europe; not only becauſe of the Advantage we reap by our Trade with that Nation, but becauſe his Catholick Majeſty is, I am convinced, as much inclined to do Juſtice, and to preſerve Peace, as any Prince in Europe. Our not having obtained Redreſs before this Time, does not, I believe, proceed from any real Intention in his Catholick Majeſty to do this Nation an Injury, or to allow any of his Subjects to injure us, but from the Nature of the Diſputes between us, which depends upon Facts, that muſt be fully enquired into, and certainly known, before it can be determined whether they are injurious or not; and as all thoſe Facts happen at a great Diſtance, it is impoſſible to have a particular and diſtinct Account of them in a ſhort Time, eſpecially as it is very much the Intereſt of the Spaniſh Governors in America to miſrepreſent them. Conſidering therefore the Juſtice and the Uprightneſs of his Catholick Majeſty's Intentions, conſidering his Friendſhip and good Inclinations towards us, it would have been wrong in us to make peremptory Demands at firſt; it would have been wrong in us not to anſwer every Objection that was made againſt any of our Demands: On the contrary, our own Intereſt made

Anno II. Geo. II. 1737-8.

it incumbent upon us to make a full and particular Anſwer to every Objection, in order to convince his Majeſty of the Juſtice of our Demands or Pretenſions; becauſe, from that Conviction we had, I hope we ſtill have, great Reaſon to expect full Satisfaction.

'Having thus, Sir, laid my Thoughts before you, upon the Matter now under our Conſideration, and having given you my Reaſons for not approving of all the Propoſitions, the honourable Gentleman has told us he is about to make, I ſhall now beg Leave to offer an Amendment to his Motion, which is, That the firſt Part of this Motion ſhould ſtand as it is in theſe Words: 'That it is the natural undoubted Right of 'Britiſh Subjects to ſail with their Ships on any Part of the Seas 'of America, to and from any Part of his Majeſty's Domi-'nions.' So far I entirely agree with him; but in my Opinion, all that he has propoſed to follow after theſe Words, ought to be left out; and inſtead thereof, I propoſe, that theſe Words or Reſolutions ought to be inſerted, 'That 'the Freedom of Navigation and Commerce, which the 'Subjects of Great Britain have an undoubted Right to by 'the Law of Nations, and which is not in the leaſt re-'ſtrained by Virtue of any of the Treaties ſubſiſting be-'tween the Crowns of Great Britain and Spain, has been 'greatly interrupted by the Spaniards, under Pretences altoge-'ther groundleſs and unjuſt. That before and ſince the Execution 'of the Treaty of Seville, and the Declaration made by the 'Crown of Spain, purſuant thereunto, for the Satisfaction 'and Security of the Commerce of Great Britain, many 'unjuſt Seizures and Captures have been made, and great 'Depredations committed by the Spaniards, which have 'been attended with many Inſtances of unheard-of Cru-'elty and Barbarity. That the frequent Applications 'made to the Court of Spain, for procuring Juſtice and Sa-'tisfaction to his Majeſty's injured Subjects, for bringing 'the Offenders to condign Puniſhment, and for preventing 'the like Abuſes for the future, have proved vain and in-'effectual; and the ſeveral Orders or Cedulas, granted by 'the King of Spain, for Reſtitution and Reparation of 'great Loſſes ſuſtained, by the unlawful and unwarrantable 'Seizures and Captures made by by the Spaniards, have 'been diſobeyed by the Spaniſh Governors, or totally e-'vaded and deluded. And that theſe Violences and Depre-'dations have been carried on to the great Loſs and Da-'mage of the Subjects of Great Britain trading to America, 'and in direct Violation of the Treaties ſubſiſting between 'the two Crowns.'

'I do not know, Sir, if I ſhall have the good Luck to meet with the Approbation of this Houſe; but what I have pro-

propoſed will, in my Opinion, be as ſtrong a Vindication of all the Rights and Privileges now in Diſpute between Spain and us, as if every one of them had been particularly mentioned: And, I think, it will be a ſufficient Teſtimony of its being the Opinion of this Houſe, that the Facts ſet forth in the ſeveral Petitions now before us, have been fully proved; and that we look upon thoſe Facts to be ſuch as are contrary to the Law of Nations, and to the Treaties ſubſiſting between the two Crowns. It will likewiſe, I think, teſtify fully to the World, the Reſentment of this Houſe, againſt the Depredations that have been committed upon our Merchants, and the Cruelties that have been uſed towards our Seamen; and that we are reſolved not to ſuffer ſuch Practices to be continued in Time to come, nor to allow thoſe that are paſſed to go unpuniſhed. This, I think, Sir, is the utmoſt Length we can go at preſent; it is the utmoſt Length this Houſe ought to go, becauſe it will anſwer all the Ends we can propoſe by the moſt particular Reſolutions; and at the ſame Time it will leave Room for putting an End to all the Differences between Spain and us, in an amicable Manner, which, I have ſhewed, would very probably be rendered impoſſible, in caſe we ſhould now come to ſuch particular Reſolutions, as the honourable Gentleman near me has been pleaſed to propoſe: Therefore I hope even the honourable Gentleman himſelf will approve of the Amendment I have offered, to the end that we may appear to be unanimous in every Reſolution we may come to, upon an Affair, which is of ſo great an Importance to the Trade and Happineſs of this Nation, and to the Tranquillity of Europe in general.'

Anno 11 Geo. II. 1738.

After this, Mr. Pulteney ſtood up again, and ſpoke to the following Effect:

Sir,

'I find the Debate upon the Affair now before us, is like to take that Turn, which I from the Beginning imagined it would. After I had opened and explained the ſeveral Rights and Privileges of this Nation, which ought, in my Opinion, to be eſtabliſhed by the Reſolutions of this Houſe, I ſaid, I knew it would not be directly aſſerted, that they were not worth the Care of a Britiſh Parliament, but ſuch a Thing I ſuppoſed might be inſinuated; and now I find it is pretended, they are ſo little worth our Care, that there is no Occaſion for eſtabliſhing them particularly and diſtinctly, but that we may ſatisfy ourſelves with general Words and Expreſſions, which, it is ſaid, will be found as effectual, as if every one of theſe Rights and Privileges had been diſtinctly and particularly mentioned and explained.

Mr. Pulteney.

Anno 11. Geo II. 1737-38.

'After the Experience we have had, for many Years paſt, I am ſurprized, Sir, to find it even ſo much as inſinuated, that general Words or Expreſſions, in any future Treaty, can be ſuppoſed to be as effectual, as particular and diſtinct Acknowledgments or Declarations; and I am equally ſurprized to find it aſſerted, that this Houſe may, upon this third Application, content itſelf with coming to a general Reſolution. —— Sir, there is not one of the Rights or Privileges, which are aſſerted in the Propoſitions I have now offered, but what is collected from the general Words of former Treaties, and have been confirmed to us over and again. Theſe general Words we have, by ſad Experience, often found to be ineffectual; and ſhall we again put our Truſt in that, which we find has ſo often deceived us? Shall we allow the Freedom of our Commerce, and the Properties of our Fellow-Subjects, to depend any longer upon that, which has for many Years ſubjected the former to continual Interruptions, and has often made the latter a Prey to our Enemies?

'Thoſe Rights, Sir, which depend upon the Law of Nations, are certainly confirmed by the general Words of every Treaty of Peace and Friendſhip, that can be made between two Nations; and while neither pretends to conteſt, or to incroach upon, ſuch Rights, both may reſt ſatisfied with ſuch general Confirmations: Becauſe a tacit Acquieſcence on one Part is generally, and with Reaſon, regarded as ſufficient Security for the other. But if either of the two begins to conteſt any one of thoſe Rights, or to uſurp a Power, that is inconſiſtent with any of them, it then becomes neceſſary for the other Nation to have that Right particularly explained, and of new eſtabliſhed, in the moſt diſtinct and explicit Terms: They are bound in Duty to Mankind, as well as to themſelves, to compel the uſurping Nation to paſs from that Power, which they have uſurped, and to paſs it from ſuch Terms as ſhall leave no Room for ſetting up any ſuch Pretence in Time to come. Of this Nature are the two firſt Rights, which I propoſed to be eſtabliſhed; I mean, 'That of its being the 'Right of Britiſh Subjects, to ſail with their Ships on any 'Part of the Seas of America, to and from any Part of his 'Majeſty's Dominions;' and, 'That of its being the Right 'of Britiſh Subjects, to carry in their Ships all Sorts of 'Goods, Merchandize, or Effects, from one Part of his Majeſ-'ty's Dominions, to any other Part of his Majeſty's Domi-'nions' Theſe, Sir, are two Rights, which depend upon the Law of Nations, and therefore, while neither of them was conteſted or incroached on by Spain, it was ſufficient for us to have them confirmed by general Words; but of late Years, the Spaniſh Guarda Coſta's have been ſo arrogant, that they have

have usurped a Power of entering in a forcible Manner, and searching every British Ship they meet with in the open Seas of America; and they have likewise usurped a Power of determining what sort of Goods or Merchandize may be carried in British Ships from one Part of the British Dominions to another. For this Reason, it is now become absolutely necessary for us to compel them, either by fair or foul Means, to put from them those Usurpations, and to establish and confirm to us those Rights we are intitled to by the Law of Nations, not by general Words, as formerly, but particularly and distinctly, and in the most express and explicit Terms.

Anno 21 Geo. II. 1748

'Then, Sir, as to those Rights which may be peculiar to one Nation, and which it may have acquired by Occupancy, Purchase, Conquest, or otherwise, the Nation that has made any such Acquisition, may at first rest satisfied with having their Right acknowledged by other Nations in general Terms; but if any neighbouring Nation should begin to contest their Right, or should begin to interrupt and disturb them in the Possession of a Right they had lawfully acquired, it would then be incumbent upon them to have their Right particularly, distinctly, and expressly acknowledged, by that Nation at least, that had begun to contest their Right, or disturb their Possession. To apply this, Sir, to the two last Rights I proposed to be established: It is well known, that we have long since acquired a Right to make Settlements in the Province of Jucatan, and to cut Logwood in the neighbouring Bay of Campechey; and it is likewise well known, that we have long since acquired a Right to gather Salt in the Island of Tortugas. Those Rights we not only acquired by a lawful Title at first, but they have since been oftentimes acknowledged and confirmed to us by the Crown of Spain, in as express Terms, as they can be, by general Words or Clauses, in any future Treaty. While Spain did not pretend to controvert them, or to disturb us in the Possession, it was sufficient to have them confirmed by general Words, in those Treaties that were made between the two Nations; but of late Years, Spain has not only begun to controvert these Rights, but has actually disturbed us in the Possession, by seizing our Ships, and murdering or maltreating our Seamen, for no other Reason, but because they were found in the Exercise of those Rights, which belonged to them as Subjects of the Crown of Great Britain. We cannot therefore now satisfy ourselves with having such Rights acknowledged in general Terms: If we ever come to any Treaty with that Nation, we ought to have both of them particularly and expressly acknowledged. This, I say, Sir, we ought to have; this we will have, if we treat upon an equal Footing, and shew a

due

Anno 11 Geo. II. 1737-8.

due Regard to the Honour and Trade of our native Country.

'Every one muſt grant, Sir, that we have as good Right to cut Logwood in the Bay of Campechey, and gather Salt on the Iſland of Tortugas, as we have to the Iſland of Jamaica: The former has been as often confirmed as the latter, by the general Words of the Treaties ſubſiſting between us and Spain. But the Difference at preſent is, that the former has been of late not only conteſted but invaded, whereas our Right to Jamaica has not of late been openly conteſted, nor our Poſſeſſion diſturbed. I am glad it has not; for I am convinced, that thoſe who are ſo fond of Peace, as for its ſake to give up our Right to cut Logwood in the Bay of Campechey, and gather Salt in the Iſland of Tortguas, would likewiſe for the ſame Reaſon have given up the Iſland of Jamaica, if the Spaniards had revived their Pretenſions to that Iſland, and had inſiſted upon its being reſtored, as one of the Preliminaries.

'Thus, Sir, I have ſhewn that, if we judge by Experience, we can put no farther Truſt in general Words or Expreſſions; and I have alſo ſhewn that, from the Nature of Things, we cannot now reſt ſatisfied with general Acknowledgments or Declarations. If we have any Regard for the Honour or Trade of this Nation, if we have any Regard for the Lives, the Liberties, or the Properties of our Fellow-Subjects, we muſt inſiſt that, in any future Treaty to be made between the two Nations, every one of the Rights or Privileges now in diſpute, ſhall be particularly and diſtinctly acknowledged: And if this be the Caſe, what Harm can there be in our coming to a diſtinct and ſeparate Reſolution with reſpect to every one of the Rights I have mentioned? But this is not all, Sir: If this had been the firſt Time any Application had been made to us, againſt the Inſults and Depredations of the Spaniards; if this had been the firſt Time we had found it neceſſary to come to any Reſolution upon that Head; there would be ſome Pretence for ſaying, we ought to reſt ſatisfied with a general Reſolution: It might perhaps be ſuppoſed, that ſuch a general Reſolution as the honourable Gentleman near me has been pleaſed to propoſe, would be ſufficient for procuring a Remedy for thoſe Evils, our injured Countrymen complain of; but we have twice already come to ſuch a general Reſolution; we have twice already found that ſuch a general Reſolution has proved altogether ineffectual; and therefore we are now both in Honour and Duty bound to think of ſome other Method, for giving Relief to thoſe who, we find, have ſo juſtly complained. Even the Reſolutions I have propoſed, may prove ineffectual; I am afraid they will, even though they were

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ir Conduct; but ſurely, the leaſt we can do, upon this
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, and cruelly uſing our Seamen.

heſe Rights, it is true, Sir, are not diſputed by any of
vn Subjects; though I do not know, but there may be
who, for their own ſelfiſh Ends, would be glad to give
one of them up. I ſhall likewiſe grant, that we cannot
d to bind or foreclose Foreigners, at leaſt in a legal
er, by any of our Determinations or Reſolutions; but
her of theſe were a good Reaſon for our not coming to
eſolution I have propoſed, there would be no Occaſion for
ming to any Reſolution at all, relating to the Affair now
e us. Is there any Subject in the Britiſh Dominions, that ſays,
ſay, that our Merchants have not been plundered,
ur Seamen maltreated, by the Spaniards in America?
any Subject of Great Britain ſay that a proper Satisfac-
has yet been obtained for the Inſults and Injuries,
ave been put upon us? What Occaſion can we then
according to the honourable Gentleman's Way of Rea-
g, for coming to any Reſolutions, for aſcertaining the
of Facts, which none of our own Subjects doubt of?
with regard to Foreigners, we can as little pretend to
or foreclose them, with reſpect to the Truth of
, as we can pretend to bind or foreclose them with
t to the Juſtice or Validity of any Right we pre-
to. Therefore, if this Argument were of any
ht, there would be as little Reaſon for our coming to
eſolution the honourable Gentleman has been plea-
propoſe, as for our coming to any one of the Reſolutions
e mentioned.

But in the Caſe now before us, Sir, we are not to come to
lutions with a Deſign to determine abſolutely any Mat-
Right, or to foreclose either our own Countrymen or
gners. The Deſign of our Reſolutions ought to be, to
both to our own Countrymen and Foreigners, that we
eſolved to vindicate and aſſert, to the laſt Drop of our
d, thoſe Rights, which we think belong to us; and that
our own Countrymen and Foreigners may know, what
ook upon as the undoubted Rights and Privileges of the
on, thoſe, at leaſt, which are now conteſted, ought to
articularly and expreſly eſtabliſhed by the Reſolutions we
o come to upon this Occaſion. This, Sir, will have a
Effect upon Foreigners, as well as our own Countrymen.
ere be any among the latter, who think they may ſa-

crifice

Anno 11 Geo. II 1737-8.

notwithſtanding the expreſs Promiſes made by the Treaty of Seville, and notwithſtanding that Treaty's having been performed by us in the moſt punctual Manner; nay, in a Manner prejudicial to ourſelves, and highly advantageous to Spain: Therefore I hope no Oppoſition will be made againſt that Part of the Reſolution I am to move for. Then as to the Aſſurances that have been given our Merchants, of procuring Reparation for their Loſſes and Ill-uſage, they have been ſo frequent, ſo expreſs, and are ſo well known, that I cannot think I have the leaſt Occaſion for repeating or explaining them; for which Reaſon, I ſhall for the preſent conclude with begging, that Gentlemen would conſider for what Purpoſes we ſit here. We aſſemble in this Houſe, in order to receive the Petitions, and hear the Complaints of our injured Subjects; but we are not to receive and hear only, we are likewiſe in Duty bound to provide a Remedy for the Grievances they juſtly compain of, and to take the moſt effectual Meaſures for that Purpoſe. We have twice already come to general Reſolutions upon this Subject: We have twice already found, that ſuch general Reſolutions have produced no Effect; therefore it would be unpardonable in us to proceed no farther upon the preſent Occaſion. Perhaps ſome Gentlemen may think, we ought now to go much farther than I have taken the Liberty to propoſe; but I cannot think any Gentleman will oppoſe our going thus far; for the leaſt we can do is, to aſſert thoſe national Rights which ſeem of late to have been neglected; becauſe, after ſuch a ſolemn and publick Declaration of our Rights, I hope no Miniſter will hereafter dare to give up any of them by Treaty, or to allow them to be any longer incroached on and violated, under the Pretence of a Negociation.'

The Anſwer to this was by Sir Robert Walpole, to the following Effect:

Sir R. Walpole.

Sir,

'I do not riſe up to oppoſe, or in the leaſt to diſpute any of the Rights or Privileges which the honourable Gentleman has been pleaſed to mention. I am fully convinced, that this Nation has an indiſputable Title to all thoſe Rights and Privileges, and I ſhall always be as zealous for defending them as that Gentleman or any other: Nay, I am convinced, that no Britiſh Subject will pretend to controvert any one of them; and therefore I ſhall readily agree with the honourable Gentleman in every Thing he has ſaid in Support of thoſe Rights and Privileges; but I cannot agree with him in thinking, that upon this Occaſion they ought to be ſo particularly vindicated and aſſerted by the Reſolutions of this Houſe. I cannot think there is at preſent the leaſt Occaſion for our coming to any ſuch Reſolutions; becauſe, I believe, there is no Britiſh

Britiſh Subject that will pretend to queſtion any of the Rights he has mentioned, or that will dare to ſay, that any one of them ought to be given up. It is, to be ſure, unneceſſary, and I muſt think inconſiſtent with the Dignity of this Houſe, to come to any Reſolution for determining a Queſtion that is not diſputed by any Subject of Great Britain; and with reſpect to Foreigners, our Reſolutions cannot be of any Signification; becauſe Foreigners are no way bound, nor can they be fore-cloſed by any of our Determinations.

'But this is not all, Sir; our coming to ſuch particular and peremptory Reſolutions, is not only unneceſſary, but it would be hurtful. It would be puſhing the Thing a great deal too far; becauſe it would, in my Opinion, make a War unavoidable. Though every one of the Rights and Privileges the honourable Gentleman has been pleaſed to mention, be ſecured to us, either by the Law of Nations, or by ſolemn Treaties, or by both; yet we all know, that they are now, and always have been, ſo far diſputed, that the Court of Spain has never yet acknowledged them, in explicit Terms, notwithſtanding its having been brought often to a very low Paſs. In treating between ſovereign and independant Powers, there are certain Methods and Forms to be obſerved, which are abſolutely neceſſary for bringing any Treaty of Peace, Commerce, or Alliance, to a Concluſion. A ſovereign Prince or State may often be prevailed on to acknowledge a Right or Privilege, or even to make ſome new Conceſſions, by general Words, which may be equivalent to, and as effectual as, the moſt expreſs and particular Declaration; and yet that Prince or State would perhaps engage in, or continue the moſt dangerous and deſtructive War, rather than make ſuch an expreſs and particular Declaration. For this Reaſon it is uſual and frequent in all Treaties, to make uſe of general Words, in thoſe Caſes where either of the contracting Parties think they cannot in Honour agree to acknowledge a Right, or make a Conceſſion, in expreſs and particular Terms.

'This, Sir, has often been the Caſe, particularly between Spain and us. I believe no Gentleman will doubt of our Right to the Iſland of Jamaica. I believe no Britiſh Subject will ſay, that it is not abſolutely ſurrendered and ſufficiently ſecured to us, by the Treaties now ſubſiſting between the two Crowns; and yet it is a Right which the Spaniards ſtill pretend to diſpute. It is a Right which they have never yet acknowledged in expreſs and particular Terms. Even in the Year 1670, when they were ſuing for a Peace, and for ſome new Regulations in the Weſt-Indies, and ſuing for it, Sir, in as humble a Manner as ever a Nation, not abſolutely reduced,

Anno 11. Geo. II. 1737[8].

therefore, if, in the preſent Caſe, no particular Directions be given them by this Houſe, I am afraid they will accept of ſuch general Acknowledgments or Declarations, as will make thoſe Rights more diſputable and precarious than ever they were heretofore. I am far from thinking, that our coming to particular Reſolutions, or our obliging thoſe who may be hereafter employed to negotiate for us, to inſiſt upon having thoſe Rights now in Diſpute particularly acknowledged and confirmed, will make a War unavoidable; becauſe, I believe, if the Court of Spain be once fully convinced, that nothing leſs will ſatisfy us, they will agree to ſuch particular Acknowlegments, rather than come to an open Rupture: But they will certainly wave and put off agreeing to any ſuch, as long as they think we will bear with it; becauſe, in the mean Time, they will every now and then be getting ſomething by the Plunder of our Merchants; and as our Miniſters have, I think, already allowed them to dally with us too long upon this Head, I hope this Houſe will now interpoſe, in order not only to convince the Spaniards, that nothing will ſatisfy this Nation, but a particular Acknowledgment of every Right they have taken upon them to diſpute, and to convince the Miniſtry that a Britiſh Parliaments are better Negotiators than themſelves.

'But ſuppoſe, Sir, that the Spaniards, by preſuming upon our Weakneſs, Timidity, or bad Conduct, ſhould abſolutely refuſe to come to any particular Settlements with us; will any Man ſay, that for the Sake of avoiding a War, we ought to accept of a Treaty or Convention, from which we can expect no Satisfaction for paſt Injuries, nor Security againſt future? The Treaty of Seville may convince every Man, that we can expect nothing from general Acknowledgments, or general Promiſes: From that Treaty, we were told, I believe I have an honourable Gentleman now in my Eye who affirmed it in this Houſe, that the Nation was to reap great Advantages; but I know of no Man in the Kingdom, that has as yet found any Advantages from that Treaty, unleſs it be the Commiſſaries and their Attendants; and if our Miniſters ſhould now procure, or accept of, ſuch another Treaty, as that of Seville, I hope they will pardon me, if I think, that they will do a notable Injury to their Country, inſtead of doing it a Piece of good Service. I have as great a Regard as the Honourable Gentleman can have for our Spaniſh, Italian, and Turkey Merchants; but our ſuffering our America Trade to be ruin'd, is not the way to protect them. I am afraid Sir, that, if we ſhall loſe our American Trade, the Ballance of Trade to all other Countries will be very much againſt us; I wiſh it is not ſo now.

There-

' Therefore, for the ſake of our other Merchants trading to the Mediteranean and Levant, I think, we ought to inſiſt ſtrenuouſly upon the Protection of our Merchants, and the Freedom of our Navigation, in all Parts of the World; for if we allow our Merchants to be plundered, and our Navigation interrupted in any one Part of the World, our Fate will ſoon come to be the ſame in every other Part of World; and even in the Mediterranean, as well as the American Seas, the Spaniards have of late begun to make more free with the Britiſh Flag, than ever they, or any other Nation, durſt do in Times paſt. Let no Gentleman therefore pretend, that his Regard for our Merchants trading to one Part of the World, ought to prevail with him to allow our Merchants trading to any other Part of the World, to be plundered and abuſed.

' Sir, it is to our Trade and Navigation we owe the Whole of our Riches, Power, and Splendor. Before we had any Trade or Navigation, this Iſland was little better than a Deſart; and if we ſhould allow both to be deſtroyed, it will be ſoon reduced to its former Condition. The extenſive Trade and Navigation we now have, is not ſo much owing to our Situation, which has always been the ſame, as to the great Care we have taken in theſe latter Ages, that our Merchants and Seamen ſhould meet with Safety and Reſpect in all Parts of the World. Our great King Edward III. ſhewed ſuch a Regard for our Trade and Navigation, that upon a Complaint from our Merchants, of their having been plundered by the Spaniſh Pyrates or Guarda Coſta's of thoſe Days, he immediately fitted out a Fleet, and went in Perſon to revenge the Depredations that had been committed upon his Subjects; by which he reſtored the Freedom of our Commerce, and added a Naval Triumph, to the many Triumphs he had before obtained at Land. The Protection of Trade and Navigation has always been one of the chief Concerns of all great Kings and all wiſe Nations. Even the Romans, who could never be ſaid to be a trading People, ſhewed a great Regard for it, as appears from the Reproof Cicero gave them in his Days, for Neglecting to ſuppreſs the Pyrates, and to aſſert the Honour of their Flag.

' His Words, Sir, upon that Occaſion, are ſo applicable to this Nation at preſent, that I ſhall beg Leave to repeat them.

' In adviſing his Countrymen to ſupport the Cauſe of their injured Merchants, in his Oration for the Manilian Law, among many other beautiful Expreſſions, he makes uſe of the following: *Majores veſtri ſæpe, Mercatoribus, ac Naviculatoribus injurioſius tractatis, bella geſſerunt.—Quare videte, num dubitandum vobis ſit, omni ſtudio ad id Bellum incumbere, in quo Gloria Nominis veſtri, Salus Sociorum, Vectigalia maxima, Fortunæ plurimorum Civium, cum Republica defenduntur.*

ano 11 Geo. II 1737-8.

—Videte ne, ut illius pulcherrimum fuit, tantam vobis Imperii Gloriam relinquere, ſic vobis turpiſſimum ſit, illud, quod accepiſtis, tueri & conſervare non poſſe.

'These are Words, Sir, which no true Engliſhman will ever forget; and I am ſorry to ſay, that I think there is too much Occaſion for enforcing the Remembrance of them at preſent. We have been negotiating and treating with Spain for theſe twenty Years, about nothing that I know of, unleſs it was about Reparation and Security for our Merchants; and yet, during that whole Time, they have been plundering and abuſing our Merchants, almoſt without Intermiſſion. If a Nation's being ſubject to daily Inſults and Injuries is not a Circumſtance, that ought to make it peremptory in its Demands, I am ſure no Circumſtance can. This has been our Caſe for many Years, and will be our Caſe, till Spain be made to acknowledge, in the moſt expreſs and particular Terms, every one of thoſe Rights they now pretend to diſpute. Ought not this to make us peremptory in our Demands? Ought not it to have made us peremptory long ago? ——Sir, if we had peremptorily inſiſted upon full Satisfaction and Reparation, for the very firſt Injury that was offered us, I may venture to affirm, we ſhould never have been expoſed to a ſecond. Nay, if we conſider that our Inſults and Injuries, were inflicted without any Ceremony, we ought to have uſed as little Ceremony in the revenging them; and to have taken Satisfaction, without being at any great Pains to demand it. But I hope Sir, that is not even yet too late.

'This was what Oliver Cromwell did in a like Caſe, that happened during his Government, and in a Caſe where a more powerful Nation was concerned than ever Spain could pretend to. In the Hiſtories of his Time we are told, that an Engliſh Merchant Ship was taken in the Chops of the Channel, carried into St. Maloes, and there confiſcated upon ſome groundleſs Pretence. As ſoon as the Maſter of the Ship, who, we are told, was an honeſt Quaker, got home, he preſented a Petition to the Protector in Council, ſetting forth his Caſe, and praying for Redreſs. Upon hearing the Petition, the Protector told his Council, he would take that Affair upon himſelf, and ordered the Man to attend him next Morning. He examined him ſtrictly as to all the Circumſtances of his Caſe, and finding by his Anſwers that he was a plain, honeſt Man, and that he had been concerned in no unlawful Trade, he asked him, If he could go to Paris with a Letter? The Man anſwered, he could. Well then, ſays the Protector, prepare for your Journey, and come to me to-morrow Morning. Next Morning he gave him a Letter to Cardinal Mazarine, and told him he muſt ſtay but three Days for an

Anſwer,

Anſwer. The Anſwer I mean, Sir, ſays he, is, the full Value of what you might have made of your Ship and Cargo; and tell the Cardinal, that if it is not paid you in three Days, you have expreſs Orders from me to return home. The honeſt, blunt Quaker, we may ſuppoſe, followed his Inſtructions to a Tittle; but the Cardinal, according to the Manner of Miniſters when they are any way preſſed, began to ſhuffle; therefore the Quaker returned, as he was bid. As ſoon as the Protector ſaw him, he asked, Well, Friend, have you got your Money? And upon the Man's anſwering he had not, the Protector told him, Then leave your Direction with my Secretary, and you ſhall ſoon hear from me. Upon this Occaſion, that great Man did not ſtay to negotiate, or to explain, by long tedious Memorials, the Reaſonableneſs of his Demand. No, Sir, tho' there was a French Miniſter reſiding here, he did not ſo much as acquaint him with the Story, but immediately ſent a Man of War or two to the Channel, with Orders to ſeize every French Ship they could meet with. Accordingly, they returned in a few Days with two or three French Prizes, which the Protector ordered to be immediately ſold, and out of the Produce, he paid the Quaker what he demanded for the Ship and Cargo: Then he ſent for the French Miniſter, gave him an Account of what had happened, and told him there was a Balance, which if he pleaſed, ſhould be paid in to him, to the end that he might deliver it to thoſe of his Countrymen, who where the Owners of the French Ships, that had been ſo taken and ſold.

'This, Sir, was Oliver Cromwell's Manner of Negociating; this was the Method he took for obtaining Reparation: And what was the Conſequence? It produced no War between the two Nations: No, Sir, it made the French Government terribly afraid of giving him the leaſt Offence; and while he lived, they took ſpecial Care that no Injury ſhould be done to any Subjects of Great-Britain. This ſhews, that Oliver Cromwell had a Genius and a Capacity for Government; and however unjuſtly he acquired his Power, it is certain that this Nation was as much reſpected abroad, and flouriſhed as much at home, under his Government, as it ever did under any Government: But when a Nation has the Misfortune to have a Man ſet at the Head of her Affairs, who knows nothing of Foreign, who knows nothing but the little low Detail of Offices, and has neither Capacity or Knowledge beyond what can qualify him for being a Clerk in the Treaſury, or ſome other publick Office, it is then no wonder to ſee that Nation deſpiſed and inſulted abroad, and diſſatisfied, mutinous, and ſeditious at home.

I wiſh

Anno 11 Geo II. 1737-38.

'I wiſh, Sir, thoſe who have now the Direction of our Negociations abroad, would aſſume, if poſſible, a little of the Spirit and Courage of Oliver Cromwell. He had as powerful a Party to ſtruggle with at home, as ever any Miniſter had; but he never allowed the Danger he was in from that Party, to deter him from vindicating, upon all Occaſions, the Honour and Intereſt of his Country abroad. He had too much good Senſe to manage in ſuch a puſillanimous Manner; for he knew that ſuch Management would have increaſed the Party againſt him, and would have made them more daring, as well as more numerous. If our preſent Negociators, or thoſe who have the Direction of our Negociations, take Example by him, I am ſure they will not accept of any general Acknowledgments or Promiſes; and therefore there can be no Danger in our agreeing to the particular Reſolutions I have propoſed. But I am afraid, Sir, they will not. I am afraid they will, for the Sake of patching up a Peace, accept of ſuch Terms as will rather be a new Affront to the Nation, than an Atonement for the Inſults and Injuries we have ſuffered. From the Reſolution the honourable Gentleman has been pleaſed to propoſe, (for I deny it to be an Amendment to mine, unleſs we judge of Reſolutions or Motions, as we judge of Men of War,) we may ſee what he thinks will be a ſufficient Acknowledgment of the Rights now in Diſpute between Spain and us: He has reſerved only what I may call one Beam, or one Plank, of what I propoſed; he has reſerved only the firſt two or three Sentences, and this, he has told us, will, in his Opinion, be as ſtrong a Vindication of all the Rights and Privileges, now in Diſpute between Spain and us, as if every one of them had been particularly mentioned. I confeſs, Sir, the Words he propoſes to reſerve, may be ſome Sort of general Acknowledgment of the firſt two Rights I propoſed to be eſtabliſhed, by the Reſolutions of this Houſe; but but how they can be called an Acknowledgment of the laſt two, I cannot comprehend. The Words are, 'That it is the natural and undoubted Right of Britiſh 'Subjects, to ſail with their Ships, on any Part of the Seas 'of America, to and from any Part of his Majeſty's Do'minions.' For God's Sake, Sir, how is it poſſible to imagine, that theſe Words can any Way relate to our Right of cutting Logwood in the Bay of Campechey, or to our Right of gathering Salt in the Iſland of Tortugas? It is impoſſible to imagine any ſuch Thing; and therefore, if we agree to what he has offered, it may be ſuppoſed, that we have left our Negotiators at Liberty, to make a Sacrifice of thoſe two valuable Rights to their own Eaſe and Security.

'But

Anno 11 Geo. II. 1738.

'But with reſpect, Sir, even to the firſt two Rights, which I propoſed to be particularly eſtabliſhed, what Security can we have from ſuch a general Acknowledgment, more than we have at preſent? Suppoſe theſe Words, which are, by the honourable Gentleman's Propoſition, to be the only Words that relate to any of our Rights in America or elſewhere; I ſay, Sir, ſuppoſe theſe Words dreſſed up in the Form of an Article in a future Treaty, they would then ſtand thus: 'His Catholick Majeſty acknowledges and de-'clares, that it is the natural and undoubted Right of the 'Britiſh Subjects, to ſail with their Ships on any Part of 'the Seas of America, to and from any Part of his Bri-'tannick Majeſty's Dominions' Now let us compare this new Security for the Freedom of our Commerce, with that which we have already, by Treaties now ſubſiſting between the two Crowns. By the 15th Article of the Treaty of 1670, it is expreſly declared, 'That the Freedom of Com-'merce ſhall not be interrupted by no Manner of Means, 'nor under any Pretence of Preheminence, Right, or Signiory, 'which either Party claims in the Weſt Indies, or in any 'Part of America.' And by the 6th Article of the Treaty of Utrecht, it is expreſly declared, 'That as the Subjects 'of their Majeſties are to enjoy on both Sides an entire, 'ſecure, and unmoleſted Uſe and Liberty of Navigation 'and Commerce, as long as the Peace and Friendſhip, en-'tered into by their Majeſties, and their Crowns, ſhall con-'tinue; ſo likewiſe their Majeſties have provided, that the 'ſaid Subjects ſhall not be deprived of that Security, for any 'little Difference which may poſſibly ariſe; but that they 'ſhall, on the contrary, enjoy all the Benefits of Peace, until 'War be declared between the two Crowns.' From this Compariſon, can any Man ſay, that this new Security, which is all the honourable Gentleman ſeems to propoſe for us, will be any Way more extenſive, or more explicit, or more effectual, than the Security we have already? Can this Houſe then propoſe, that the Nation ſhould now content itſelf with a Renewal only of that Security, which by dear-bought Experience, we have found to be no Security at all.

'Sir, I inſiſt upon it, that ſuch a general Acknowledg-ment or Declaration, would be ſo far from being a Secu-rity, that it would be nothing like a Determination of the principal Affair now in Diſpute between Spain and us. His Catholick Majeſty never pretended, that Britiſh Subjects have not a Right to ſail with their Ships on any Part of the open Seas of America; nor do we pre-tend, that we have a Right to ſail to and traffick in the Ports, Havens, or Places poſſeſſed by the Spaniards in

in America, any further than is allowed us by the Aſſiento Contract. But the King of Spain pretends, that in order to diſcover whether any of our Ships have been ſailing to and trafficking with his Subjects in America, he has a Right to enter and ſearch our Ships upon the open Seas; and that, if upon ſuch a Search it be found, that they have any of thoſe Goods on Board, which he ſays can be found no where but in his Dominions in that Part of the World, it is a full Proof that they have been carrying on an illicit Trade with his Subjects, and that therefore he has a Right to ſeize and confiſcate the Ship and Cargoe. On the contrary, we contend, and with Juſtice contend, that he has no Right to ſearch any Britiſh Ship on the open Seas, either in America or elſewhere; but that in all Caſes, and in all Seas, if a Spaniſh Ship of War, or Guarda Coſta, meets a Britiſh Ship at Sea, the Spaniſh Ship is by the 14th Article of the Treaty of 1667, 'not to come within Cannon Shot of the Britiſh 'Ship, but ſhall ſend their long Boat or Pinnace to the 'Britiſh Ship, with only two or three Men on board, to 'whom the Maſter or Owner ſhall ſhew his Paſſports and 'Sea-Letters, whereby not only the Ship's Lading, but the 'Place to which ſhe belongs, and as well Maſter and 'Owner's Name, as the Name of the Ship, may appear; 'by which means the Quality of the Ship, and her Maſter or 'Owner; will be ſufficiently known, as alſo the Commo-'dities ſhe carries, whether they be contraband or not, to 'the which Paſſports and Sea-Letters intire Faith and 'Credit ſhall be given.'

'And ſuppoſing, Sir, it ſhould appear, by the Britiſh Ship's Paſſports and Sea Letters, that ſhe is ſailing to or from any Spaniſh Port, and has prohibited Goods on Board; by the 15th Article of the ſame Treaty, 'Thoſe prohibited Goods 'only are to be ſeized or confiſcated, and not the other 'Goods; neither ſhall the Delinquent incur any other Pu-'niſhment, except he carry out from the Dominions of 'Spain any Gold or Silver, wrought or unwrought.' Or, ſuppoſing it ſhould appear by the Britiſh Ship's Paſſports and Sea-Letters, that ſhe is bound to a Port belonging to ſome Power, then at War with the King of Spain, and has con-contrand Goods; by the 23d Article of the ſame Treaty, 'Such Goods only ſhall be taken out and confiſcated; but 'for this Reaſon the Ship, and the other free and allowed 'Commodities, which ſhall be found therein, ſhall in no 'wiſe be either ſeized or confiſcated.'

'I muſt obſerve, Sir, that this Treaty of 1667, was a general Treaty, which comprehended America as well as every other Part of the World; therefore the Methods thereby eſtabliſhed, for viſiting our Ships at Sea, ought to

be

be obſerved in the American Seas, as well as the Mediterranean, Bay of Biſcay, or any other open Sea; and I muſt likewiſe obſerve, that tho' by this Treaty we got no Permiſſion to trade with the Spaniſh Plantations in America or the Weſt Indies, yet we did not, by that Treaty, lay ourſelves under any expreſs Obligation not to trade with them: We did not lay ourſelves under any ſuch Obligation, till the Year 1670; ſo that the Spaniards have no Right either to ſearch or ſeize our Ships, but what they have by the Law of Nations, or what they got by the Treaty of 1670. By the Law of Nations, they have no Right to ſearch or ſeize any Ship, unleſs ſhe be found within ſome Part of their Dominions; therefore they have no Right to ſearch or ſeize any of our Ships, upon any Part of the open Seas of America. And by the Treaty of 1670, we obliged ourſelves only not to navigate or traffick in the Havens and Places, that are in the Poſſeſſion of the Catholick King in the Weſt-Indies; therefore, as the open Seas of America are not, as we can never allow them, or any Part of them, to be in his Poſſeſſion, he can have no Right, by that Treaty, to ſearch, much leſs to ſeize, any of our Ships, that are ſailing upon the open Seas of America. Anno 11 Geo. II. 1737-8.

'On the contrary, Sir, by the Articles of the Treaty of 1667, the Spaniſh Men of War and Guarda Coſta's are expreſly, and very particularly, obliged not to come within Cannon Shot of any Britiſh Ship ſailing upon the open Seas; and if they have a Mind to viſit or ſee the Paſſports or Sea-Letters of any ſuch Ship, they are expreſly obliged not to ſend above two or three Men on Board for that Purpoſe; and to thoſe Paſſports and Sea Letters they are expreſly obliged to give entire Faith and Credit; which laſt Words cut off every Pretence, they can have, for making a Search; and by the very Nature of the Thing, they can ſeize no Goods, even of thoſe that are mentioned in the Bills of Lading, unleſs the Ship be bound to or from ſome Port of Spain, or to ſome Port belonging to the King of Spain's declared Enemies; becauſe ſhe can have no Goods on Board that can, by the Spaniards, be called prohibited, unleſs ſhe be bound to or from ſome of their Ports; and ſhe can have no contraband Goods on Board, unleſs ſhe be bound to a Port poſſeſſed by their Enemies. Nay, even in theſe two Caſes, they cannot pretend to make Prize of Ship and Cargo: They can ſeize and confiſcate only thoſe Goods, which are prohibited or contraband.

'From what I have ſaid, Sir, the Injuſtice of the King of Spain's Pretenſions muſt evidently appear. It muſt appear evident, that he has no Right to ſearch any of our Ships ſailing upon the open Seas of America; and much leſs has he a Right to limit and preſcribe, what Sort of Goods they ſhall carry from one Part of the *Britiſh Dominions*, to another or

Anno 11 Geo. II 1737-8.

to determine, that their carrying any one Sort of Goo
ſhall be a Proof of their having been carrying on an illi
Trade with his Subjects in America. Theſe are Uſurpatio
lately ſet up in direct Oppoſition to the Law of Nations, a
notwithſtanding the general Acknowledgment of a free Co
merce and Navigation, ſo often and ſo ſolemnly repeated, i
the Treaties now ſubſiſting between us; and theſe, Sir, ar
Uſurpations which they have ſet up, under the falſe an
frivolous Pretence, that ſuch Practices are not inconſiſtent
with the Freedom of Commerce or Navigation, and there-
fore not contrary to the general Acknowledgments and De-
clarations contained in thoſe Treaties. Does not this ſhew,
Sir, that a general Acknowledgment of our Right to ſail on
any Part of the Seas of America, will not determine the
Queſtion in Diſpute between us? Does not it ſhew, that
ſuch a general Acknowledgment will leave us as much liable
to Inſults and Depredations, after it is obtained, as we have
been for theſe twenty Years paſt? Therefore, we ought, we
muſt inſiſt upon having theſe Uſurpations given up and paſſ-
ed from, in the moſt particular, expreſs, and explicite Terms;
otherwiſe we muſt give up our Trade and our Plantations, not
only in the Iſlands, but alſo upon the Continent of America;
and if we are ſo cowardly as to give up ſuch a valuable Branch
of our Commerce, I will foretel, that we muſt ſoon give up,
not only our Turkey, Italian, and Spaniſh Trade, but alſo
our Trade to Portugal and the Coaſts of Africa; for the ſame
Pretences may be ſet up for ſearching and ſeizing our Ships
in the Mediterranean, Bay of Baſcay, and African Seas, as
are now ſet up for ſearching our Ships in the open Seas of
America: Nay, I am convinced, Spain, or ſome other of
our Neighbours, will ſoon ſet up the ſame Pretences for
ruining our Trade in the Eaſt-Indies.

'I have been the more particular, Sir, upon this Sub-
ject, and have taken up more of your Time, than I would
otherwiſe have done, becauſe I have Reaſon to ſuſpect, that
the honourable Gentleman who made you the ſecond Pro-
poſition, which I find he has a Mind ſhould paſs as an A-
mendment to mine, in order to avoid putting the Queſtion
upon what I took the Liberty to propoſe; I ſay, Sir, I have
Reaſon to ſuſpect, that he may have ſome Hand in directing
our future Negociations with Spain; and as, by what he has
been pleaſed to propoſe, he ſeems not to be ſo zealous in the
Defence of the Rights and Privileges of this Nation, as, I
think, he ought, I hope this Houſe will come to the Reſo-
lutions I have propoſed, in order to prevent, as much as
poſſible, the Effect his Counſels may have upon our future
Negociations with the Court of Spain; for if we are ſo
good-natured, and ſo pacifick, as to continue our Ne-
gociations

gociations yet a while longer, I believe, moſt Gentlemen that hear me will admit, that they ought to be carried on with more Vigour, and in a more peremptory Manner than they have been for many Years paſt; and that whatever may be the Reſult of this Day's Debate, our Negociators, at leaſt, ought to inſiſt upon particular Explanations and expreſs Declarations, with reſpect to every Matter of Right now in Diſpute: but more eſpecially with reſpect to that Right the Spaniards have lately uſurped, of ſearching our Ships upon the open Seas.

'For this Reaſon, Sir, among many others, if the Queſtion is to be put upon the Amendment propoſed, I hope Gentlemen will diſagree to it, in order that we may come at putting the Queſtion upon the ſeveral Reſolutions, I have taken the Liberty to lay before you.'

The Right honourable Sir Robert Walpole likewiſe ſtood up again, and ſpoke in Subſtance as follows, viz.

Sir,

Sir R. Walpole.

'I wiſh, that Gentlemen, in their debating upon the Affair now before us, would take care to keep to the Point really in Diſpute; for by ſo doing, I am ſure they would very much ſhorten the Debate. In what I took the Liberty to trouble you with upon this Subject, I am certain, I did not drop the leaſt Word, that could intimate ſo much as a Doubt about any of the Rights or Privileges, which the Court of Spain now pretends to conteſt with us. So far otherwiſe, I expreſly declared that I agreed with every thing the honourable Gentleman had ſaid in Support of them; and I am ſtill convinced, that no Gentleman, either within or without Doors, will ſo much as inſinuate, that our Title to any one of thoſe Rights and Privileges, is in the leaſt doubtful; therefore I muſt think, that whatever the honourable Gentleman has ſince been pleaſed to add, whatever may hereafter be ſaid, in Support of any of thoſe Rights or Privileges, or for explaining or demonſtrating the Juſtice of our Title to all, or any one of them, is a Sort of fighting with the Wind: It is arguing without an Opponent; and conſequently, I muſt beg leave to ſay, that I think it is taking up a great deal of your Time to no Purpoſe.

'The only Queſtion in Diſpute among us, Sir, is, Whether we ought now to come to a particular Reſolution, upon every particular Right or Privilege, which the Court of Spain pretends to conteſt with us; or, if we ought only to come to one general Reſolution, which may virtually include them all, and ſo leave it intirely to his Majeſty, and thoſe employed by him, to obtain ſuch farther Explanations, and ſuch particular Acknowledgments, as the preſent or future

Anno 31 Geo. II. 1757-8.

Circumſtances of Affairs may make proper for him to inſiſt on? This, Sir, is the only Point now in Diſpute amongſt us; and therefore, without taking notice of what the honourable Gentleman has now been pleaſed to add to what he formerly ſaid, for explaining and enforcing the Juſtice of our Title to thoſe Rights and Privileges, which the Spaniards have lately taken upon them to conteſt, I ſhall only add a few Words for enforcing what I have ſaid before, in favour of the general Reſolution I propoſed, and then I ſhall endeavour to anſwer the few Arguments that have been made uſe of, for ſhewing that we ought to come to particular Reſolutions upon every particular Right or Privilege, now conteſted by Spain.

'The honourable Gentleman has told us, that not only our Negociators ought to inſiſt poſitively and peremptorily upon particular Explanations and expreſs Acknowledgments with reſpect to every particular Right or Privilege lately conteſted, but that this Houſe ought now to come to ſuch Reſolutions as may make it abſolutely neceſſary for them to inſiſt upon ſuch. I wiſh, Sir, with all my Heart, I believe every honeſt Subject of Great Britain wiſhes, that it were in our Power to give Laws to every Potentate in Europe, and to preſcribe to them how they ſhould behave, in every Caſe, not only to us, but to one another. But this is at preſent impoſſible; and even though we had a Probability of Succeſs in any ſuch Attempt, I do not think it would be prudent in us to attempt making uſe of our Power in a Manner too poſitive and haughty, leſt by ſo doing we ſhould provoke the other Powers of Europe to unite together, in order to reduce the Power of this Nation, and to make us ſubmit to ſuch Laws as they might be pleaſed to preſcribe to us, inſtead of our preſcribing to all or any of them. For this Reaſon, Sir, in all our Negociations, we muſt have a Regard to Policy, as well as to what we think Juſtice, and we muſt take care, in the Demands we make upon any one of our Neighbours, not to inſiſt ſo poſitively and ſo haughtily, even upon thoſe Terms we may think reaſonable, as to excite the Jealouſy of the reſt. In Conteſts between Nations, it is the ſame as in Conteſts between private Men: Each Party thinks himſelf right; and as there is no Judge or Judicature, that has a Right to determine finally in thoſe Conteſts, that happen between two independant Nations, both ought to conſult the Sentiments of their Neighbours, and both ought to limit Demands, or extend their Compliances, according to that Opinion, which they find prevails generally among their moſt impartial Neighbours. This may often be a Reaſon for a Nation's accepting of general Declarations, in Caſes where particular Explanations, and expreſs Conceſſions, would

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ſtem of Politicks in Europe may be,
, to determine: I do not believe any
Houſe can. It is a Syſtem that
Humour of ſo many Courts, and up-
nts at every one of theſe Courts, that it
nd changing every Day. Therefore it is
nmunicate it to this Houſe; nor can we, if
mmunicated, in common Prudence, allow it
eat Influence on our Reſolutions. It may be
ſuch a State, as might make it prudent in us to
the Opportunity, in order to have all Matters in
tween Spain and us ſettled and determined, in the
ular and explicite Manner; and yet, before we
ly take Advantage of the Opportunity, which
ſtem of Politicks had furniſhed us with, it might
changed to our Diſadvantage, as would make it
us to lower our Creſt, and accept of any Ex-
r putting off our being obliged to come to an
re with Spain, at ſuch an unſeaſonable Juncture.
Sir, ſhews the Wiſdom and the Excellence of our
n, which has truſted intirely to the Crown, the
aking Peace and War; and at the ſame Time it
mprudent it would be in us to encroach upon that
, by laying the Crown under a Neceſſity to make
War,

... unfortunate, however perverse the Con... Matters relating to Peace and War, ... Power, that is requiſite, are liable to ſo many ... unforeſeen and unlooked-for Alterations, ... ſingle Perſon, or an Aſſembly that is con... ſitting, can be exactly informed of every Incident ... occur, or can have ſuch a thorough Knowledge of fo... Affairs, as to be able to foreſee the lucky or the cro... Incidents that may probably occur, ſo as to take an immedi... Advantage of the former, or ſo as to take ſuch Meaſures ... may prevent the dangerous Conſequences of the latter. Therefore, while our happy Conſtitution remains intire, while the Parliament meets but once a Year, and does not continue aſſembled above three or four Months in the twelve, it is impoſſible for either Houſe of Parliament to intermeddle, much leſs to preſcribe to the Crown, in any Affairs relating to Peace or War, without expoſing the Nation to imminent Danger.

'I ſhall grant, Sir, that after the Rights of a Nation have been conteſted and invaded, or after an unjuſt Claim has been actually ſet up, there is a greater Occaſion for particular Explanations, and expreſs Conceſſions, than there was before; but Nations muſt chuſe proper Times and Seaſons for inſiſting even upon that, which they are moſt juſtly intitled to; and whether the preſent be a proper Time for our inſiſting, in a peremptory Manner, upon the utmoſt we are intitled to, with reſpect to Spain, is a Conſideration which this Houſe cannot pretend to be a competent Judge of; becauſe no Man can judge in ſuch a Caſe, without knowing thoroughly the Circumſtances and Complexions of all the Courts in Europe, which is a Knowledge no Man can pretend to, without having previouſly been made fully acquainted with all the Secrets of the Cabinet; and I am ſure, no Man who wiſhes well to his Country, would deſire, or can expect, that his Majeſty ſhould communicate all the Secrets of his Cabinet to ſuch a numerous Aſſembly. Nay, if he ſhould, it would not enable us to determine what might be proper to be done a Month hence; for that very Communication might probably occaſion a thorough Change in the Face of Affairs all over Europe; which Change might make thoſe Meaſures deſtructive to the Nation, which at preſent may be juſtly thought the moſt ſalutary and prudent. In my Opinion, therefore, the beſt Thing we can do upon the preſent Occaſion, is, to come to ſome general Reſolution, in order to ſhew the Reſentment of the Nation againſt the Inſults and Injuries we have met with, and to leave it entirely to his Majeſty's Care and Wiſdom, to get ſuch Satisfaction, and to get our particular Rights as fully acknowledged

as

Time and future Circumſtances will permit. I hope, Sir, that ſuch an Opportunity will ſoon preſent; but if it ſhould not, and if the Spaniards ſhould prove more obſtinate than we have Reaſon to expect, his Majeſty will, no doubt, take the firſt proper Opportunity for compelling them to do, what in Juſtice they ought. Our coming to a general Reſolution can no way oblige his Majeſty to accept of general Acknowledgments, if he finds that he can, either by fair or foul Means, obtain particular and expreſs Conceſſions; but our coming to particular and explicit Reſolutions, will render it impoſſible for his Majeſty, either to propoſe or accept of general Acknowledgments, even tho' he ſhould then be convinced, that the Nation could not come to an immediate Rupture, with any Proſpect of Advantage; ſo that our coming to a general Reſolution cannot poſſibly be attended with any bad Conſequence, whereas our coming to particular Reſolutions, binds up his Majeſty's Hands, and may force the Nation into a War at a very unſeaſonable Juncture, which of courſe may be attended with the moſt fatal Conſequences.

'I ſhall likewiſe admit, Sir, that the firſt Part of the Reſolution offered by the honourable Gentleman, which I propoſe ſhould ſtand Part of the Reſolution of this Houſe, does not comprehend the Rights or Privileges we have to cut Logwood in the Bay of Campechey, and to gather Salt in the Iſland of Tortugas; but as our Claim to both has never yet been preſcribed, the Diſturbance we have met with in the Exerciſe of theſe two Rights, will I think, be ſufficiently comprehended under the following Words, in the Reſolution or Amendment I have propoſed, by which we are to declare, 'That before and ſince the Execution of the Treaty of 'Seville, and the Declaration made by the Crown of Spain, 'purſuant thereunto, for the Satisfaction and Security of 'the Commerce of Great-Britain, many unjuſt Seizures and 'Captures have been made, and great Depredations com-'mitted, by the Spaniards.' For all the Britiſh Ships that have been ſeized and confiſcated, for cutting Logwood in the Bay of Campechey, or for gathering Salt in the Iſland of Tortugas, ought to be reckoned among thoſe unjuſt Seizures and Captures, which we complain of. But if in the Courſe of a future Inquiry, our Rights to both theſe Privileges are thought proper to be particularly aſcertained, this general Reſolution never can preclude his Majeſty from inſiſting upon a particular Acknowledgment, if the Circumſtances of Affairs will permit.

'The Freedom of our Commerce and Navigation, Sir, is the principal Affair in Diſpute between the two Nations, and that which, in our Reſolution, we ought to ſhew the greateſt

Regard

Anno 11 Geo. II. 1737-38.

Regard to. For this Reaſon, I propoſed keeping in the firſt Part of the Honourable Gentleman's Propoſition; and, I think, the Words I have propoſed to be kept in, will be a ſufficient Vindication of our Right to a free Commerce and Navigation in the open Seas of America, without adding any Explanations. His Majeſty may nevertheleſs, if he finds it proper, inſiſt upon Explanations; but I do not think we ſhould, by our Reſolution, ſo limit his Majeſty, that he cannot hereafter agree to any Treaty, without ſuch Explanations; becauſe, if the Spaniards ſhould make Satisfaction to us for what Injuries they have done, and agree, even in general Terms, to a Renewal of all the Treaties now ſubſiſting between the two Crowns, we ought to accept of it, rather than engage in a War; eſpecially if it appears, that they agree to ſuch a new Treaty with a real Deſign to obſerve it; for if we ſhould afterwards find ourſelves deceived; if they ſhould begin to play the ſame Game over again, we may, in all Probability find a more favourable Opportunity than the preſent, for puniſhing their Breach of Faith, and enforcing the Obſervance of Treaties.

'For my own Part, Sir, I do not pretend to know any Secrets about the preſent Circumſtances of Affairs in Europe; I do not pretend to know what Allies Spain may expect, or what Aſſiſtance we have to depend on, in Caſe of a War between the two Nations; but from what is publick and well known, I think every Gentleman ought to conclude, if the Spaniards had not private Encouragement from Powers more conſiderable than themſelves, they would never have ventured upon thoſe Inſults, and Injuries, that have been proved at your Bar. Beſides, Sir, the preſent Circumſtances of Affairs in Europe, are none of the moſt favourable for this Nation, and many Accidents may occur, which may render them much more favourable, than they are at preſent; therefore, however much ſome Gentlemen may take upon them to ridicule the Tedioufneſs of our Negociations, I think it is much more prudent to protract and draw them out to a Length, than to run the Nation headlong into an unequal War, or to give up any of our Rights and Privileges by a precipitate Treaty.

'I am indeed ſurprized, Sir, to hear it inſinuated, that, becauſe I am not for ſuch particular Reſolutions, as I think may force the Nation into an unneceſſary or unſeaſonable War, therefore I do not think the Matters now in Diſpute between Spain and us, worth the Care of a Britiſh Parliament. Sir, I think every one of them greatly deſerves the Care of every Branch of our Legiſlature; but, I think, we ſhould not take an improper Opportunity, or improper Methods, for ſhewing that Care; we ſhould not, like an over-

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fond Mother, deſtroy our Child, by taking imprudent or unſeaſonable Methods for preſerving it. While the Diſpute remains in the Shape of a Negociation, the only proper Way we can take for ſhewing our Care, is, by general Reſolutions and Addreſſes, to aſſure his Majeſty, that we will ſupport him in whatever Meaſures he may think proper, for aſſerting the Rights and Privileges of the Nation; and after his Majeſty has declared to us, that he finds he can vindicate thoſe Rights and Privileges no other Way but by Force of Arms, which certainly he will not do, till he finds he can engage in a War, at leaſt upon an equal Footing, if not with a more than probable View of Succeſs, we are then to ſhew our Care and Concern for the Rights and Privileges of our Country, by enabling his Majeſty to vindicate them, with that Vigour which becomes ſuch a powerful Nation.

'I hope, Sir, I am as zealous in the Defence of the Rights and Privileges of my Country, as any Man in the Kingdom; but I ſhall never allow my Zeal to carry me beyond the Bounds of Prudence and Diſcretion. I ſhall never affect Popularity ſo much, as to be guided by thoſe popular Prejudices, which, I think, if indulged and followed, might involve the Nation into great, perhaps inſuperable Difficulties. Such a Conduct I ſhall always look on as imprudent in the Authors, as well as pernicious to the Nation; for if, upon the preſent Occaſion, or any ſuch Occaſion, we ſhould unneceſſarily hurry the Nation into a War, and the Event ſhould not anſwer the People's Expectations, I know who would be blamed, I know who would be the firſt to move for an Enquiry into the Conduct of thoſe who had allowed the Nation to be led into a War, which it could not proſecute with Advantage; and as we cannot judge, whether, upon the preſent Occaſion, the Circumſtances of Europe are ſuch as may enable or permit us to proſecute a War againſt Spain with Advantage, therefore I muſt be againſt our coming to ſuch Reſolutions as will, in my Opinion, make a War with Spain, not only unavoidable, but imminent.

Walter Plumer Eſq; ſpoke to this Effect, viz.

Sir,

Walter Plumer Eſq;

'The Reſolutions propoſed by my honourable Friend over the Way, were ſo very reaſonable in themſelves, and ſo becoming the Dignity of this Houſe to inſiſt upon, that I dare ſay they would have met with no Oppoſition, had it not been for what was ſaid by the honourable Gentleman, who ſpoke laſt, and who offered to amend the honourable Gentleman's Reſolutions with underſtanding them; at leaſt I will venture to ſay that he ſeems to miſtake the Point in Queſtion. This, Sir, we ſhall be fully ſenſible of, if we conſider the Affair now before us, and how it came before us:

[illegible] The Affair now under our Conſideration was brought before us by Petitions from our injured and plundered Weſt India Merchants, and the Petitioners, after repreſenting their Sufferings, pray for ſuch a timely and adequate Remedy, as may put an End to their Sufferings, and ſuch Relief for the unhappy Sufferers as the Nature of their Caſe, and the Juſtice of their Cauſe, may require. The chief Queſtion now before us is, therefore, What we ſhall do, or what we may be able to do, for anſwering effectually the Prayer of their Petitions? For the Petitioners have ſo fully proved their Allegations, to the Regret and Sorrow of almoſt every Man that heard them, that no Queſtion can be made about the Truth of what they have let forth.

'Upon this, Sir, which I take to be the firſt and chief Queſtion, it ſeems to be the Opinion of this Houſe, that the only Thing we can do at preſent, for procuring them any Remedy or Relief, is, to come to ſome Reſolutions, relating to the Rights that are conteſted, and the Injuries that have been done to our Merchants. My honourable Friend over the Way has propoſed a Set of particular Reſolutions, which, I think, may in all probability produce ſome Effect; and the honourable Gentleman near him has propoſed a general Reſolution, which, from Experience we know, muſt be altogether ineffectual; ſo that the real Queſtion now in Diſpute is, Whether we ſhall come to ſuch Reſolutions as may probably be effectual, for procuring that Remedy and Relief which the Petitioners pray for; or if we ſhall come to a Reſolution, which, if we judge by Experience, we muſt conclude to be ineffectual. It is now ten Years ſince the ſame Sort of Complaint was made to us; and we then came to ſuch a general Reſolution as the honourable Gentleman has, by his Amendment, propoſed: It is eight Years ſince a ſecond Complaint of the ſame Nature was made to us, and we again came to the ſame Sort of general Reſolution: Theſe general Reſolutions have been ſo far from procuring any Relief for thoſe who had then ſuffered, that many Inſults have been ſince put upon the Nation, and many new Depredations committed; therefore, from repeated Experience we muſt conclude, that ſuch a general Reſolution will never prove effectual for putting an End to the preſent) or obtaining Satisfaction for the paſt Sufferings of our Merchants. Shall we then, upon this third Application, amuſe the unhappy Sufferers with ſuch a Reſolution as, we know, can have no Effect? Shall we tell all the World that we dare come to no Reſolutions, but ſuch as they know can procure them neither Reparation nor Security? What Effect, Sir, might that have upon our Planters and Merchants? Might it not render them deſperate? And yet this is the Queſtion, and

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the only Queſtion now before us; and to ſuch a Queſtion I ſhall be proud of giving a Negative.

'Sir, upon the preſent Occaſion, I could wiſh it were in almoſt the Power of this Houſe, to act as well as reſolve. I could almoſt wiſh it were in our Power to ſend out Squadrons and Armies, and to give ſuch Orders and Inſtructions to thoſe Squadrons and Armies, as might be worthy of the Britiſh Nation, and ſufficient for enabling them to revenge the Injuries their Country has received. This, 'tis true, is not in our Power, but ſurely we may, and, I think, we ought to come to ſuch Reſolutions, as may give our Merchants and Seamen ſome Hopes of meeting at laſt with Reparation for what is paſſed, and Security in Time to come. For this Purpoſe we muſt come to Reſolutions, ſtronger and more particular than any of thoſe we have yet come to: If we do not, we muſt expect, that our Planters, Merchants, and Seamen, will give over having any further Concern in Trade, or fly to foreign Countries for that Protection, which they ſee they can no longer hope for in their own. The particular Reſolutions which my honourable Friend was ſo good as to move for, may have ſome Effect: They will adminiſter to our Fellow Subjects the Comfort at leaſt of hoping for Redreſs; and they may perhaps convince Foreigners that this Nation is not now in a Humour to wait another 10 Years, for that Juſtice and Satisfaction, which we ought to have had 10 Years ago; whereas, if we ſhould now come to no other Reſolution, but ſuch a general one as we have twice already come to without any Effect, our own People will deſpair of ever meeting with Redreſs; and I can ſee no Reaſon why we ſhould expect it will now have a greater Effect upon the Conduct of Spain, than it had 8 or 10 Years ago.

'We have been told, Sir, that ſuch particular Reſolutions as were at firſt propoſed, will put it out of the Power of his Majeſty's Miniſters, to adviſe him to accept of general Acknowledgments or Declarations in any future Treaty, and may conſequently involve the Nation in a War at a very unſeaſonable Juncture. What the preſent Conjuncture may be, I muſt confeſs I am quite ignorant of; but conſidering our Situation, and the many Diſputes that muſt neceſſarily happen, as well as the Jealouſy that muſt continually ſubſiſt, between the ſeveral Powers upon the Continent, I muſt think, that, without ſome very imprudent Sort of Conduct, we can never long want a proper Opportunity for vindicating and aſſerting our Rights and Privileges, againſt any Nation that ſhall dare to invade them; and therefore, while we have the good Fortune to be under an Adminiſtration, that knows ſo well how to take Advantage of the Blunders of their Neighbours, and is ſo well inſtructed

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in the moſt ſecret Views of the ſeveral Powers of Europe; I muſt think, we can never be in Danger of being involved in War at an unſeaſonable Juncture. Indeed, if we were under the Government or Adminiſtration of one ſole prime Miniſter, and that Miniſter quite ignorant of foreign Affairs, or ſuch a one whoſe Integrity none could truſt, whoſe Faith no foreign State could rely on, whoſe Ignorance of all the Arts of Government, except one, had appeared from every Step of his Conduct; I ſay, if we were ſo unlucky as to be under the Government of ſuch a prime Miniſter, there might be ſome Reaſon for our avoiding to come to any Reſolutions, that might tend towards involving the Nation in War; becauſe in ſuch a Caſe, we could expect no Aſſiſtance from any of our Allies, nor Succeſs from our own Conduct. But, Sir, if this were our Caſe, which it neither is, nor can be as long as our Conſtitution ſubſiſts, what would then be the Duty of this Houſe? Would it not be our Duty, to enquire into the State of the Nation, and deliver our Couutry from ſuch polluted Hands? Would not we be in Honour and Conſcience obliged, to exert that Power which is placed in this Houſe by our Conſtitution? Would not we be obliged to call ſuch a Miniſter to an Account, and pull him from the Summit of his Power? For while he continued in the Adminiſtration, we could never expect Confidence or Aſſiſtance from any of our foreign Neighbours; and conſequently, we could never expect a ſeaſonable Opportunity for doing ourſelves Juſtice, againſt thoſe that had invaded our Rights or Privileges.

'Whatever may be the preſent Conjuncture of Affairs in Europe, however unfortunate it may be with reſpect to this Nation, I muſt think, Sir, we can neither in Prudence nor Honour continue to ſit tamely under ſuch Inſults and Injuries as we have lately ſuffered, nor can we now truſt to general Acknowledgments, Declarations, or Promiſes. As we have already been convinced by Experience, that no general Reſolution of this Houſe can be effectual, for procuring Satisfaction or Security to our Merchants; ſo we have by Experience been convinced, that no general Acknowledgment or Promiſe, in any Treaty between us and Spain, can be effectual for ſuch a Purpoſe. There is not a Right or Privilege now conteſted between us and Spain, but what has been acknowledged by general Words or Clauſes, in almoſt every Treaty that has been concluded between the two Nations; and by the Treaty of Seville we were promiſed Satisfaction, in general Terms, for all the Injuries they had done us before that Time. How then can we expect, that general Acknowledgments or Promiſes, in any future Treaty, can prove of any Effect? And can we in Ho-

Honour or Prudence accept of that, from which we can expect neither Satisfaction nor Security?

'The preſent Circumſtances of Europe may, for what I know, be unfavourable: We may perhaps, be reduced to the Neceſſity of engaging in an unequal War; but the Fortune of War, Sir, does not always attend that Side which appears to be the moſt powerful; and I hope we have not yet negotiated the Affairs of Europe into ſuch a Syſtem, as may have produced a formidable Alliance againſt us, without any one Ally to aſſiſt us; therefore, if we ſhould now be obliged to enter into a War, for the Preſervation of our Trade and Plantations, the Event may diſappoint our Fears, or do more than anſwer our Expectations: Whereas, if we wait for a more favourable Opportunity, till our Trade and Plantations be quite undone, I'm afraid, we muſt wait for that which never will happen. While we remain in our preſent unſettled Condition, while we continue ſubject to ſuch Inſults and Depredations, our Trade muſt daily decay; and the more our Trade decays, the leſs will our Power be to aſſiſt ourſelves, the leſs ready will any of our Neighbours be to aſſiſt us. It may then be out of the Power of the beſt and wiſeſt Miniſters we can have, to break or prevent any Alliance, that may be formed or forming againſt us, or to defeat the Deſign of it, by a counter Alliance; but at preſent, if any powerful Alliance be formed againſt us, and we cannot form a ſufficient counter Alliance, it muſt be owing to ſome late Weakneſs or Miſtake in our Conduct; and I hope we have been guilty of no late Miſtake, but what may be rectified by the Wiſdom and Power of Parliament, if a Reſolution ſhould be taken to enquire ſeriouſly and freely into the Affair, in order to take proper Meaſures for rectifying our Miſtakes, and for puniſhing thoſe that had been the Cauſe of them.

'The hononrable Gentleman wiſhes it were in our Power to give Laws to every Potentate in Europe, and to preſcribe to them how they ſhould behave to one another. I wiſh ſo, Sir, as well as he; but if it were, it would be ridiculous in us to make uſe of our Power, in Caſes where our own Intereſt could be no Way concerned; and in Caſes where our own Intereſt is concerned, eſpecially where common Juſtice is denied us, we ought to make as much Uſe of our Power as we can, however inconſiderable it may be. There is a very great Difference betwixt preſcribing to others, and allowing others to preſcribe to us. I am afraid, Sir, we have of late begun to allow a certain neighbouring Power to preſcribe to us, particularly with regard to Spain: I am afraid it is to theſe Preſcriptions we muſt impute the peaceful Behaviour of the many expenſive Squadrons, we have lately fitted out; and I am convinced, if we continue long in the

ſame

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ſame peaceable Diſpoſition, the ſame Power will becom
able to preſcribe to others, as well as to us.

'I ſhall confeſs, Sir, I am ſorry I muſt confeſs, that
Nation is not at preſent in a very good Condition for e
ing into an expenſive War. Our publick Debts remain
unſatisfied; our Taxes are, moſt of them, as high as
Time of War, and more numerous than they ever w
during the moſt heavy War; and what is worſt of all, a g
Part of them are mortgaged for paying the yearly Inte
of our publick Debts; yet nevertheleſs, when Self-preſer
tion comes to be at Stake, we may find a Fund ſufficient
ſupporting a new War; for I ſhould, and I hope moſt
my Countrymen would, I am ſure every Britiſh Subject ou
to chuſe to live upon Bread and Onions, rather than ſee t
Houſe of Bourbon giving Laws to Europe. This is a M
fortune, which every Nation in Europe is equally obliged t
guard againſt, and therefore in guarding againſt it, we c
never be deſtitute of a powerful Aſſiſtance, if this Houſe do
but its Duty, which is, to take care, that our publick Coun
cils may always be directed by Men of known Abilities and
unſuſpected Integrity.

'From what I have ſaid, Sir, I hope Gentlemen will ſee
that it would be both imprudent and puſillanimous in us, to
allow the Fear of a War to over-awe us, with reſpect to the
Reſolutions we are to come to upon the preſent Occaſion; and
I hope it will appear, that no Miniſter ought to adviſe his
Majeſty to agree to any future Treaty, that contains nothing
but ſuch general Acknowledgments and Promiſes, as have al-
ready been found ineffectual; therefore, to tell us that we
ought not to come to ſuch Reſolutions, as may prevent any
Miniſter's adviſing his Majeſty to agree to ſuch a Treaty,
muſt be the ſame as to tell us, that we ought not to come to
ſuch Reſolutions, as may prevent a Miniſter's doing what he
ought not to do, which cannot ſurely be an Argument of any
Weight in the preſent, or any other Debate.

'Whatever other Gentlemen may think of Popularity,
whatever Regard they may have for the Opinion of the Peo-
ple, I muſt confeſs, Sir, that I ſhould be not only afraid,
but aſhamed of being an Object of publick Hatred or Con-
tempt; and I ſhould be extremely doubtful about my own
Opinion, if I found it contrary to the Opinion of moſt of
my Countrymen. Upon any ſudden Emergency, the People
may form a wrong Opinion, or they may upon ſome Occa-
ſions be miſled by artful and deſigning Leaders; but when
the People have Time to conſider, and when they enquire
into any Affair, without Prejudice, the Opinion that prevails
among the Generality of them, has in moſt Caſes been found
to be right. As to its being a ſeaſonable Opportunity for
enter-

ntering into a War, the People may not be ſufficiently able o judge; but as to the Cauſes of a War, the People are al- ways able to judge, whether they are juſt and reaſonable or ot; and for this Reaſon moſt Nations, when they declare War, endeavour to juſtify their Conduct by publick Mani- feſto's. As it is the general Opinion of this Nation, that we have now ſufficient Reaſons for declaring War againſt Spain, as moſt Men think that we ought long ſince to have reveng- ed, in a hoſtile Manner, the Affronts that have been put upon us, thoſe amongſt us who affirm the contrary, may, for what I know, have ſome Prudence, but I am ſure they are not overburthened with Modeſty.

'With reſpect to the Event of a War, the Caſe, Sir, is, indeed, very different; for neither the People, nor the moſt clear-ſighted Miniſters, can pretend to form any certain Opi- nion about it; and as the People of all Countries have ge- nerally too good an Opinion of their own Courage and Strength, as this is an Opinion which all wiſe Governments endeavour to promote, therefore the People have for the moſt Part greater Expectation from the Event of a War, than they can reaſonably hope for; ſo that the Event of almoſt every War muſt be ſuch as will not fully anſwer the People's Ex- pectation; yet when a War becomes neceſſary, when the Effects of continuing in Peace muſt be as fatal as the moſt unfortunate Event of a War, can any Man be ſo ſollicitous about his own Safety, and ſo regardleſs of that of his Coun- try, as to adviſe continuing ſuch a deſtructive Peace, only for fear the People ſhould blame him, and enquire into his Conduct, in caſe the War he had adviſed, ſhould happen to prove unſucceſsful?

'Sir, our late peaceable Conduct, our tame Submiſſion to ſo many Inſults and Injuries, deſerves to be enquired into, and may, for what I know, deſerve the Cenſure of Parlia- ment; I am ſure it has already met with the Cenſure of the People; but neither the honourable Gentleman that ſpoke laſt, nor any other, I believe, can have the leaſt Reaſon to apprehend an Enquiry or Cenſure, for adviſing us to try the Fate of War, in caſe we ſhould find that we cannot by peace- able Means obtain full Reparation for all paſt Injuries, and effectual Security againſt any ſuch in Time to come; and as Experience has taught us, that we can expect no Repara- tion or Security from general Acknowledgments, or bare Promiſes, we ought, by our Reſolutions upon this Occaſion, to prevent, if poſſible, its being in the Power of our Mini- ſters, to allow themſelves to be amuſed with ſuch Acknow- ledgments or Promiſes, in any future Treaty. This, Sir, is the more neceſſary, becauſe from this very Debate, I think, we have Reaſon to ſuſpect, that ſome of our Miniſters are

inclined

ment.

' In order, therefore, Sir, to put it out of the
or at leaſt to make it unſafe for, any of our
adviſe his Majeſty to ratify ſuch a future
can neither procure Reparation for what is paſſed
rity in Time to come, we ought to agree to the
firſt propoſed; and if they could be made mor
and explicit, I ſhould be for any Amendment
make them ſo; but as they now ſtand, the agree
is, I think, the leaſt we can do upon the preſe
From our agreeing to ſuch Reſolutions, our Fel
will be convinced that we are ſerious, and the
thence begin to conceive Hopes, that their Righ
leges will ſoon be vindicated and aſſerted, eithe
rous War, or by an honourable Treaty: Even t
will be convinced, that they can no longer prete
us with tedious Negociations, or general Promiſe
if we curtail theſe Reſolutions in the Manner the
Gentleman has, by his Amendment, propoſed;
Subjects will deſpair of ever meeting with Redre
ty; and the Spaniards will conceive Hopes, the
tinue to negotiate and treat with our Miniſters,
ſame Time plunder our Merchants, for ten Years
they have done for ten Years paſt.

' I ſhall conclude, Sir, with obſerving, that
tion, as it will ſtand by Means of the honoura
man's Amendment, or rather the new Reſolu
propoſed, will, upon Examination, appear to be
Terms with the Anſwer, which our Miniſters

ourable Henry Pelham, Eſq; ſpoke next in Sub- Anno 11 Geo. II. 1737-8.
llows, viz.

men may give what Turn they pleaſe to the H. Pelham, Eſq;
w before us; but, in my Opinion, it is plain that
eſtion is, Whether we ſhall come to one general
; or, if we ſhall come to a particular Reſolution
particular Right in Diſpute between us and Spain?
aration or Security is to be procured in a peaceable
o be procured by Negociation only; and no Ne-
n be carried on but by thoſe employed by his Ma-
is not to be procured in a peaceable Way, it muſt
r in a hoſtile Manner, which is not to be govern-
ed by the Reſolutions of this Houſe, but by his
ly; therefore it is not the Reſolutions of this
t can be ſuppoſed effectual for procuring our Mer-
r Reparation or Security, but the Meaſures which
ſhall pleaſe to take for that Purpoſe.

Sir, it appears, that there are but two Methods
Satisfaction from Spain, one by Way of Nego-
l the other by Force of Arms; and of theſe two,
ill be granted, the firſt ought to be preferred. Now
ſaid, and, I think, juſtly ſaid, that if we ſhould
Reſolutions firſt propoſed, we ſhall put it out of
's Power to obtain Satisfaction for our Merchants
, or Security for our Trade and Plantations, in a
Way; whereas, if we agree to the Amendment
e ſhall leave it in his Majeſty's Power to obtain
etitioners pray for, by Means of a Negociation,
ing him under any Obligation, or even a Temp-
ccept of any thing leſs than what is contained in
ar Reſolutions propoſed. From whence I muſt
at the proper Queſtion now before us is, Whether
our Reſolutions make an immediate War una-
t the preſent Conjuncture be what it will; or, if
ve it in his Majeſty's Power to endeavour to ob-
by Way of Negociation; and I hope there is
an within theſe Walls ſo fond of fighting, as to
lving the Nation in a dangerous and expenſive
though every Thing we could ask, ſhould be pre-
ed in a peaceable Way.

ver the honourable Gentleman who ſpoke laſt,
ſed to ſay upon the preſent Occaſion, with re-
Power of the Crown, or of the Power of this
ope, Sir, that neither he, nor any other Gentle-
as the Honour of ſitting here, wiſhes we had any
r as Members of this Houſe, than what is veſted

Anno 12 Geo. II. 1738.

in us by the Conſtitution: And if Gentlemen would but reflect upon the Confuſion and Tyranny that enſued, within the laſt Century, from this Houſe's having aſſumed more Power than it ought to have, I am ſure they would not deſire to ſee the leaſt Step made towards a Re-aſſumption of the ſame Power.

' But ſuppoſing, Sir, that we ſhould ſucceed in re-aſſuming ſuch a Power, why in the Name of Goodneſs ſhould we make a wanton Uſe of it, by fitting out Fleets and Armies before we find that no other Arguments will prevail? I believe there are very few in the Nation that queſtion in the leaſt, but that his Majeſty has all the Inclination in the World to procure full Satisfaction by way of Negociation, or that he will take proper Meaſures for obtaining it by Force of Arms; ſo that we have no Occaſion for coming to any Reſolutions, and much leſs for putting the Nation to any Expence, in order to revive the Hopes of thoſe that are drooping, or to prevent any Man's deſpairing of ever meeting with Redreſs; and with Reſpect to Foreigners, it is certain nothing can in a more forcible Manner influence their Councils, than their perceiving that the Parliament puts an entire Confidence in his Majeſty's Conduct, which they will neceſſarily preſume from our coming to a general Reſolution only, upon the preſent Occaſion; whereas if we ſhould enter into a Diſcuſſion of our ſeveral Rights and Privileges, and come to a particular Reſolution upon each, it will be of Courſe ſuppoſed at all foreign Courts, eſpecially at that of Spain, that we doubt either of the Abilities or Inclinations of thoſe that are employed by his Majeſty in the Adminiſtration of our publick Affairs.

' I ſhall with Pleaſure grant, Sir, that our being ſituated in an Iſland, and in a Manner detached from the reſt of the World, furniſheth us with many conſiderable Advantages, and among the reſt, with that of having it often in our Power, to make an Advantage of the Diſputes and Jealouſies that happen to ariſe among our Neighbours upon the Continent. This may often furniſh us with a proper Opportunity for vindicating or aſſerting our Rights and Privileges; but it cannot at all Times, and juſt when we ſtand in need of it. The Affairs of Europe may take ſuch an unlucky Turn, as to unite two potent Neighbours againſt us, at a Time when the reſt are at Variance among themſelves, or ſo much engaged or entangled, that they cannot give us any Aſſiſtance; and therefore we may ſometimes be in Danger of being involved in a War at an unſeaſonable Juncture. Whether the preſent be ſuch a one, I ſhall not take upon me to ſay; but if it is, I am ſure the wiſeſt Thing we can do is, to continue

our

ciations, or even to accept of a Treaty of Peace, t ſhould contain nothing but general Acknowledg- d Confirmations, in hopes that a ſhort Time may uch an Alteration of Affairs in Europe, as will afford us tunity for inſiſting upon ſuch new Explanations and Conceſſions, as we may then think reaſonable; uld be wrong in us to do any Thing that might bring diate War upon the Nation, without knowing the preſent Conjuncture be ſeaſonable or not; which wledge we can acquire no Way, but by a Declara- his Majeſty; and ſurely no Gentleman that has a r his Country, would deſire his Majeſty to declare, ch a publick and numerous Aſſembly, that we can- ſent propoſe to enter into a War with any Proſpect tage; becauſe, not only the Spaniards, but all h whom we have now any Diſpute, would certainly antage of ſuch a Declaration: They would from eſume, they might force us to agree to any Terms they pleaſed to preſcribe, or at leaſt they would uch leſs tractable than they were before they heard Declaration.

ll confeſs, Sir, that ſome Branches of our Trade, viſe ſome of our Plantations, have ſuffered a little e Behaviour of Spain towards us; but their Suffer- ot, I believe, near ſo conſiderable as ſome People l of repreſenting; and had theſe Sufferings been re conſiderable, we ought not to expoſe the Whole e of War at an unſeaſonable Juncture, for the Sake ing a Part; eſpecially when we conſider, that we can l of getting an Opportunity in a ſhort Time, for ring to recover our Loſſes, with a probable View of If the Spaniards were always to behave towards us ave done of late Years, and we were always to allow ehave in the ſame Manner, the Whole of our Trade ations might at laſt come to be in ſome Danger; be ſuppoſed, Sir, that unleſs we immediately de- r, the Spaniards will always continue to treat us as lately done? By no Means; for there were neither r Honour at that Court, yet as ſoon as they become which they muſt ſoon be, of their own Intereſt, they inly court our Friendſhip, inſtead of provoking tment.

ſuppoſe, Sir, the Spaniards ſhould go on in the ſame ſome Time longer, then can it be ſuppoſed that we ys bear ſuch Treatment, with the ſame Patience l-nature? Suppoſe we have as yet ſome Hopes of Satisfaction by peaceable Means, or ſuppoſe the unſeaſonable Juncture, for us to declare War a-

[illegible] Year, are we from thence to presume, that we shall always preserve the same Temper, or that the Affairs of Europe will always continue upon the present Footing? No, Sir, it is impossible, but from the clashing Interests of the several Powers, some new Scene must in a few Years happen in the Affairs of Europe. It may then be a proper Season for us to assert War, and full Satisfaction is not made us before that Time, we may be assured his Majesty will take most of it, and make the proper Use of it, for gaining the Revenge, as well as repairing the Honour of the Nation. As this Session cannot, from the natural Course of Things, be supposed to be very remote, neither our Trade, nor our Plantations, can suffer much in the mean Time: and therefore we may yet wait a while, in Hopes of obtaining Satisfaction by peaceable Means, or in Hopes that a more favourable Opportunity will soon offer for obtaining it by Force of Arms, without the least Ground for supposing that our Trade and Plantations will thereby be utterly undone.

'I shall always be as ready, Sir, as any Man, to sacrifice my All, for preserving the Honour and Independency of my Country; but if the Nation be in such a melancholy Condition as the honourable Gentleman has been pleased to represent, surely we ought at least to be cautious of doing any Thing that may tend to involve the Nation in a War. We ought to avoid doing any Thing that may seem to have such a Tendency, unless it appear absolutely necessary for our immediate Preservation; which I take by no Means to be our Case at present. If it is either necessary or expedient that our Rights should be particularly asserted in any future Negociation, his Majesty will certainly do so: But I am far from thinking, that it will be necessary for his Majesty to insist upon such particular Acknowledgments, Declarations, or Promises; for the Behaviour of two independent Nations to one another, does not so much depend upon the general or particular Stipulations that are between them, as upon the Necessity they respectively think they have, for cultivating a reciprocal Friendship. If the Spaniards begin to think that they ought, for their own Sakes, to cultivate a Friendship with this Nation, (and, as soon as they begin to think justly, they will think so) they will then perform any general Promises they may make, or any general Engagements they may enter into with us, more strictly and faithfully than they would perform the most express and particular Stipulations, if they should think otherwise.

'We have at present, Sir, and must always have, Disputes with other Nations as well as Spain; and, without doubt, it would

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be extremely convenient for us to have all the Rights and Privileges, which any Nation pretends to diſpute with us, fully explained, and particularly declared and eſtabliſhed: But, I believe, we never made any Treaty, where we could obtain all that was convenient for us; I believe, no Nation ever did; for a Carte Blanche is not properly a Treaty; it is the Law which the Conqueror preſcribes to thoſe he has conquered. In every Caſe where a Treaty is to be made, both the contracting Parties muſt accommodate themſelves to Times and Circumſtances; and neither Party can, or will, inſiſt upon all they can ask, leſt by ſo doing they loſe what they may have. This muſt be our Caſe, if we ever come to any future Treaty with Spain. We muſt accommodate ourſelves to Times and Circumſtances, and muſt inſiſt upon no more than they will then admit of; but if this Houſe ſhould agree to the Reſolutions firſt propoſed, it will put it out of the Power of any Miniſter, to adviſe his Majeſty to accommodate himſelf to Times and Circumſtances, in relation to any future Treaty with Spain; which will of courſe make a War unavoidable; for it is not to be ſuppoſed we can prevail with Spain, to agree to every Thing we propoſe, unleſs we force them to it by a ſucceſsful War. Nay, after we have entered into a War, 'tis great Odds if we meet with ſuch Succeſs, as may intitle his Majeſty to inſiſt upon every Thing, that may be ſuppoſed to be contained in theſe Reſolutions; ſo that it would be impoſſible for his Majeſty, or any of his Succeſſors, to put an End to the War by a Treaty of Peace, or to agree to any Preliminaries for that Purpoſe, without firſt laying thoſe Preliminaries before this Houſe; and ſuch a Publication might put it in the Power of thoſe that are Enemies to both Nations, to prevent the Negociation's taking Effect.

'I hope, Sir, I have now made it appear, that there is no Neceſſity for our coming to ſuch particular Reſolutions as were at firſt propoſed; and that our coming to ſuch, might be attended with the moſt fatal Conſequences, becauſe it might not only involve the Nation in a War, but involve it in a War, perhaps, at a very unſeaſonable and unlucky Juncture. I know I am arguing againſt that, which ſeems to be the popular Side of the Queſtion; I know that by ſome Means or other, a very great Reſentment has been ſtirred up among the People, againſt the Depredations committed by the Spaniards, and, I confeſs, they deſerve our higheſt Reſentment; but we ought to ſhew our Reſentment by Blows, not by Words; and if we chuſe an improper Time for giving the Blow, we may receive a greater than we can give. I ſhall always have a great Regard for the Wiſdom, and likewiſe for the Opinion of the People; but, I ſhall re-

ver to what I think contrary to the Intereſt of my Country, or the State of an immediate Enemy; becauſe, I know, it can never be aiding: and I ſhould follow any popular Opinion rather than that relating to what Provocations may be ſufficient for declaring War. In every ſuch Queſtion, the People may be conſidered as a Number of Generals aſſembled in a Council of War, and deliberating, whether or no they ought to attack the Enemy. Many of them may, and often do, give their Opinion for attacking, not becauſe they think it the moſt prudent, but leſt their Courage ſhould be ſuſpected. In like manner they ſhould give their Vote for the other Side of the Queſtion.

Though his Majeſty's Servants may be againſt this Houſe's addreſſing by one of their Reſolutions, to tie up his Majeſty's Hands, ſo as to make an immediate War unavoidable, let the preſent Conjuncture be never ſo unfavourable, it is not your Buſineſs to be informed. Sir, nor, do I believe, that they are averſe to a War at any Time rather than run the Riſque of a War: nor do I believe, they have any Reaſons againſt a War, but what are peculiar to themſelves. Whatever Reaſons his Majeſty may have, for not reſolving upon an immediate Declaration of War, whether they proceed from the Views he may yet have of procuring Redreſs in a peaceable Manner, or from his being ſenſible that the State of Affairs in Europe will in ſhort Time afford a much more favourable Opportunity for declaring War, they muſt be ſuch as affect the Nation in general: and, they may be ſuch as ought to induce us to try, for a while longer, the Method of Negociations, or even to proceed in ſome Negociations, after we are now ſure that that Method will at laſt prove ineffectual, a Point being ſuch as ought to induce us to accept of a ſhort and diſadvantageous Peace, rather than have recourſe to an open and declared War. The Space of half a Year may, may it change the Face of Affairs all over Europe, is to ſtudy is to enter them into a War with great evening Advantage, and yet the preſent Conjuncture may be ſuch a one, that we cannot immediately enter into a War without preſent Ruin. Suppoſe, then, this to be the Caſe at preſent, would it not be highly imprudent in us to do that, which muſt immediately involve the Nation in a War? What is it we propoſe to do, in deſire his Majeſty to communicate to us ſuch a numerous Aſſembly, the preſent State of Affairs in Europe, or the Alterations which he expected might in a ſhort Time be brought about? Such a Requeſt, his Majeſty could not juſtly comply with; becauſe, ſuch a Communication would certainly render our preſent Meaſures worſe, and might probably prevent thoſe Alterations from whence only we could expect to make it

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'From the Reaſons I have given, Sir, and, I hope, they will appear ſufficient Reaſons, for our not agreeing to the Reſolutions firſt propoſed, I think it is evident, that the only Reſolution we can come to upon the preſent Occaſion, muſt be ſuch a one as my honourable Friend has by his Amendment propoſed. By ſuch a Reſolution, we ſhall leave it entirely to his Majeſty, to inſiſt upon particular Acknowledgments of all our Rights and Privileges, now conteſted by Spain, or to accept of general Acknowledgments, in caſe the preſent ſhould appear to be an unſeaſonable Conjuncture for our declaring War againſt that Kingdom. By this we may avoid a War, at leaſt we ſhall avoid being engaged in an unequal War; for, if we truſt to his Majeſty's Wiſdom, we may depend on it he will not involve the Nation in War, unleſs he ſees that he has got a proper Opportunity for ſo doing. At the ſame Time, we ſhall, I think, by ſuch a Reſolution, ſufficiently aſſert the principal Right, now in Diſpute between Spain and us, and we ſhall ſufficiently ſhew our Reſentment againſt the Uſage our Merchants and Seamen have met with. This will convince the Court of Spain, that his Majeſty will meet with the Approbation and Aſſiſtance of his Parliament, in whatever Meaſures he may take for obtaining Redreſs, which may probably make them alter their Conduct towards us; and, from ſuch a Reſolution, all thoſe who underſtand any Thing of our Conſtitution, will ſee, that we have, in this Houſe, done as much as was poſſible for us to do, upon ſuch an Occaſion; from whence, every Man, who has not ſomething very diſmal in his Conſtitution, will conclude, that he has no Reaſon to deſpair of ſeeing Juſtice done to himſelf and Fellow-Subjects, and the Rights and Privileges of his Country eſtabliſhed.

'Before I have done, Sir, I muſt take Notice of the Objection made by the honourable Gentleman that ſpoke laſt. He ſays, the Reſolution, as it will ſtand by Means of my honourable Friend's Amendment will appear to be in the ſame Terms with his Majeſty's Anſwer to the laſt Spaniſh Memorial; and, that therefore, we ought not to agree to it, leſt it ſhould be thought that the Reſolution of this Houſe was dictated by our Miniſters of State. I cannot ſay, Sir, that I have compared the two together, ſo as to judge whether they be in the ſame Terms or not. But, ſuppoſe they are, is there any Scandal in our agreeing with the Crown, or even with our Miniſters of State, when that which they have done appears to be right? Sir, in my Opinion, this is ſo far from being an Objection to the Reſolution my honourable Friend has propoſed, that it is a ſtrong Argument for our agreeing to it; for, ſurely, it muſt adminiſter Comfort and Encouragement to our own People, to ſee his Majeſty and his

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his Parliament agreeing upon the ſame Meaſures for their Relief; and, as it will convince the Court of Spain, that there is a good Agreement, and thorough Underſtanding, between his Majeſty and his Parliament, it will be an Argument of the greateſt Weight with that Court, for prevailing on them to agree to what his Majeſty has propoſed, or may propoſe, towards an Accommodation; therefore, if we have a Mind, that our preſent Differences with Spain ſhould be ſettled in an amicable Way, if we have a Mind to incline them to hearken to Reaſon, or the Voice of Peace, we ought to agree to the Amendment propoſed: Nay, unleſs we have a Mind to encourage or encreaſe their Obſtinacy, by making them and all Europe believe there is a Diſunion and Diſtruſt between his Majeſty and his Parliament, we muſt agree to the Amendment propoſed.'

The next that ſpoke was Sir William Windham, whoſe Speech was to this Effect, viz.

Sir,

Sir W. Windham.

'I am extremely ſurprized to hear the preſent Debate ſo much miſtaken, as I find it is, by the honourable Gentleman who ſpoke laſt. Is there any Gentleman in this Houſe has ſuppoſed, is there any Gentleman can ſuppoſe, that the Reſolutions of this Houſe can be effectual in the Caſe now before us, without the Concurrence of the Crown? We may, by our Reſolutions, which we offer only by Way of Advice to the Crown, determine indeed, what are the Rights of the Nation, we may determine what are the Injuries we have ſuffered; we may go farther, we may determine or rather declare, what Methods we think ought to be taken for aſſerting thoſe Rights, for revenging thoſe Injuries; but, unleſs they are carried into Execution by the Crown, or by thoſe employed by the Crown, they cannot of themſelves be ſuppoſed to be effectual.

'In the preſent Caſe, Sir, Complaint has been made to us, that our Trade has been interrupted; that many of our Merchant-Ships have been plundered, and many ſeized and confiſcated; that many of our Seamen have been cruelly uſed; and that ſome of our moſt valuable and moſt undoubted Rights and Privileges have been invaded: The Petitioners pray, that we would procure them Relief, and that we would provide a Remedy for theſe Evils. What can they mean by ſuch a Prayer? Surely they do not mean, that this Houſe ſhould declare War, or ſend Ambaſſadors to Spain to demand Satisfaction. Either they muſt mean, that, if theſe Grievances have been occaſioned by the Fault or Neglect of any of our own Subjects, we ſhould enquire into it, and puniſh thoſe that have been to blame; or they muſt mean, that we ſhould enquire what Injuries they have ſuffered, and what national

national Rights or Privileges have been invaded, that we ſhould repreſent to the Crown thoſe Injuries and Invaſions, and that we ſhould give ſuch Advice to his Majeſty, as, if followed, will be effectual for procuring the Relief and Remedy they pray for. Upon ſuppoſing that his Majeſty will follow our Advice, it may be ſaid, that one Reſolution, or one Set of Reſolutions, will be more effectual than another; and, therefore, the Queſtion now under our Conſideration is, which of the two Propoſitions made to us, contains the fulleſt and trueſt Repreſentation of the national Rights and Privileges, that have been invaded, and of the Injuries, which our Trade and Merchants have ſuffered.

'In this Light, Sir, let us compare the two Propoſitions together, and we ſhall ſoon ſee which ought to be preferred. The firſt contains a particular Enumeration of the ſeveral Grievances we labour under, mentions the Pretences that have been made uſe of for putting ſuch Grievances upon us, and particularly aſſerts, as well as ſets forth, every Right or Privilege that has been invaded. The ſecond contains only a general Repreſentation of the Injuries we have ſuffered, without mentioning any one Pretence that has been made uſe of, or properly aſſerting, or ſo much as mentioning, any one Right or Privilege, that has been invaded. The firſt ſhews it to be our Sentiments, that the ſeveral Rights and Privileges of this Nation, which have been invaded, ought to be particularly acknowledged; that the ſeveral Pretences made uſe of for invading them, ought to be particularly explained, and expreſly given up; and that an immediate and ſpecifick Satisfaction ought to be inſiſted on: The ſecond, if agreed to, will make it be looked on as the Opinion of this Houſe, that a general Acknowledgment of our Rights, and a general Promiſe of Satisfaction, may be accepted of.

'Upon ſuch a Compariſon, Sir, can any Gentleman, after the late Experience we have had, think, that ſuch a general Acknowledgment of our Rights, will be effectual for ſecuring our Trade in Time to come, or for redreſſing our injured Merchants for what is paſt? Let any Man, Sir, read any of the Treaties, from the Treaty 1667, to the Treaty of Seville, and then think that general Acknowledgments or general Promiſes are ſufficient for our Purpoſe. His Majeſty, 'tis true, may, I hope he will, inſiſt upon particular Acknowledgments of our ſeveral Rights, that have been lately conteſted or invaded; upon a ſufficient ſpecifick Sum, by Way of Reparation to his injured Subjects; and upon an exemplary Puniſhment's being inflicted upon thoſe Spaniſh Governors or Commanders, that have injured them: His Majeſty, I ſay, may inſiſt upon ſuch Terms, notwithſtanding any Opinion we may now give, or any Reſolution we may now come to;

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but certainly, it would be wrong in us to give, as the Opinion of this Houſe, what cannot be the real Opinion of any Man in the Kingdom. To offer ſuch an Opinion by Way of Advice, would be a Miſleading of the Crown, or enabling Miniſters to do ſo; therefore, in Duty to our Sovereign, in Juſtice to our much injured Country and Countrymen, in Honour, in Conſcience, with reſpect to ourſelves, we are bound not to give any ſuch Advice.

'Peace, Sir, is certainly preferable to War; and every good Man muſt wiſh, that his Majeſty may be able to procure Satisfaction and Security by Way of Negociation: But War is preferable to an ignominious Peace; and every Man who has a Regard for the Honour of his Country, or the Safety of his Fellow-Subjects, would chuſe to ſee the Nation involved in War, let the Event be what it will, rather than ſee it inſulted and abuſed, as it has been by Spain for almoſt theſe twenty Years. By agreeing to the Reſolutions firſt propoſed, we do not put it out of his Majeſty's Power to obtain Satisfaction in a peaceable Way, we only put it out of the Power of, or at leaſt make it hazardous for, Miniſters, to adviſe his Majeſty to agree to an ignominious Treaty of Peace; which any Treaty will be, that does not procure ample Satisfaction to our injured Merchants and Seamen, and future Security to our Commerce. For this Purpoſe, every Man muſt be ſenſible from what's paſſed, that general Acknowledgments or bare Promiſes will not be effectual: Nay, I am of Opinion, that even the moſt particular Acknowledgments and Explanations, will not of themſelves prove effectual. We muſt inſiſt upon the puniſhing of thoſe Spaniſh Governors or Captains of Guarda Coſta's, that have injured us, and upon ſome ſignal Atonement's being made to the Nation, for the many Affronts that have been put upon it; for I am afraid the Spaniards have, from our late Behaviour, conceived ſuch an Opinion of our Fondneſs for Peace, that they will ſhew but little Regard to the moſt particular and ſolemn Engagements they may make with us. Their Attack ſome Years ſince upon Gibraltar, at a Time when our harmleſs Fleets appeared upon their Coaſts, without any hoſtile Intention, I believe, againſt them, or any of their Allies; and their late Attack upon our Ships at the Iſland of Tortugas, notwithſtanding its being a Time of profound Peace between the two Nations, and notwithſtanding one of the moſt particular, and moſt explicit Conceſſions, that could be made by one Nation to another: Theſe two Attacks, I ſay, with the continual Attacks they make upon our Ships in the Bay of Campechy, give me ſome Reaſon for ſuſpecting, that they do not now think themſelves under a Neceſſity of ſtanding upon Ceremonies with regard to us, or of obſerving

ſerving the moſt particular and expreſs Stipulations they can make with us.

'I ſhall not pretend, Sir, to diſpute the good natural Diſpoſition of his Catholick Majeſty, or his Inclinations to do Juſtice to this Nation; but I muſt ſay, we have as yet felt none of the Effects, either of the one or the other; and I am afraid, thoſe who have ſo good an Opinion of his Inclinations, will at laſt find, they have truſted to them more than they ought to have done. However, let his Catholick Majeſty's natural Diſpoſition be never ſo juſt, let his Inclinations towards us be never ſo favourable, if his Governors and Captains in the Weſt-Indies are allowed to imagine, that they may plunder, or unjuſtly ſeize and confiſcate Britiſh Ships, without any Fear of Puniſhment, if they find they have nothing to apprehend, but being ſimply obliged to reſtore, they will every now and then be nibbling; for Reſtitution is ſeldom made complete, ſomething will always ſtick to the Fingers of the Tellers; and as ſuch Diſputes are, we find, extremely tedious, Poſſeſſion in the mean Time will in every Caſe be worth ſomething. For this Reaſon we muſt, in my Opinion, inſiſt upon condign Puniſhment, as well as complete Reſtitution, otherwiſe our future Security will always be precarious; and our inſiſting upon ſuch Terms, or our obliging our Miniſters to inſiſt upon ſuch Terms, will not, I hope, make an immediate War neceſſary. Unleſs we have, by ſome very odd Blunder in Politicks, cooked up ſuch a Syſtem of Affairs abroad, as has united ſome of the chief Powers of Europe with Spain, and has at the ſame Time detached from us, every Ally we formerly had, or at leaſt every Ally that can afford us any Aſſiſtance, I am ſure the Spaniards will agree to ſuch Terms, rather than come to an open Rupture; ſo that our coming to ſuch Reſolutions as were firſt propoſed, inſtead of making War neceſſary, will make Peace, I mean a real and an honourable Peace, more quickly attainable; becauſe if Spain has nothing but her own Strength to depend on, and if our Miniſters have taken Care that we have ſuch Allies as we ought to have, and always may have, our Reſolutions will make Spain think it neceſſary, to agree immediately to what is juſt and reaſonable, in order to prevent a Rupture; for tho' that Court may believe, and may perhaps have found, that they can cajole and amuſe a Britiſh Miniſter, I hope they are not ſo vain as to think, they can cajole or amuſe a Britiſh Parliament.

'Altho' we have not the Power, Sir, to ſend out Fleets or Armies, or to give Orders or Inſtructions to Fleets or Armies; yet, as Members of this Houſe, we have, by our Conſtitution, a Power to enquire into the Conduct of thoſe, who, by their Employments, are to give his Majeſty their beſt Advice in ſuch Caſes; and, if upon Enquiry it ſhould

appear, that they have not advised his Majesty to send out proper Fleets or Armies, or have not advised him to give them proper Instructions for revenging the Affronts that have been put upon the Nation, we have a Power, and we are in Duty bound, to remove such Counsellors from his Majesty's Councils. But, if it should appear, that such Counsellors advised pacifick Measures, when immediate Vengeance ought to have been taken, if it should appear that the Affronts offered were of such a high Nature, that it was dishonourable for the Nation to submit to a Negociation, we would, in that Case, have a Power, and it would be our Duty, to punish such weak or wicked Counsellors. In publick Life, as well as private, there are some Affronts that cannot, by the Custom of Nations, admit of a peaceful Accommodation, or of any Negociation for that Purpose. If a Gentleman should be cuffed in the open Streets, and should, instead of making a proper Return, send a Clergyman next Morning to the Aggressor, to beg that the Affair might be made up in an amicable Way, the Aggressor might, perhaps, look upon his Patient as a good Christian, but I am sure he would not look upon him as a Gentleman, or Man of Courage; and therefore he would probably offer no other Satisfaction, but such a one as no Man of Honour could accept of, or perhaps, and most probably too, he would bully and say, the Fellow deserved what he had met with. A Man of true Honour, upon meeting with such an Affront, would immediately take his own Satisfaction, and that too with the very first Opportunity.

'In publick Life, and in national Affairs, the Case is the same. There are some Affronts that may be put by one Nation upon another, which ought to be immediately resented in a hostile Manner. All Attacks or Insults ought to be resented in such a Manner, when it appears evident that it was done by publick Authority. When an Insult is committed by the Subjects of any Nation, without an apparent Commission, or other Authority from their Government, the injured Nation may send Ambassadors to demand Satisfaction; and ought not to resent the Injury in a hostile Manner, till the other Nation has made the Act its own, or has taken the Guilt upon itself, by denying or unreasonably delaying to punish or give up the Offenders. But when the Insult or Attack appears, from the very Nature of it, to have been committed by publick Authority, Satisfaction ought not to be sued for by Ambassadors; it ought to be immediately taken by Fleets and Armies, properly instructed for that Purpose. And such, I am of Opinion, we ought to have reckoned several Insults put upon this Nation by Spain, within this last Dozen Years: Nay, I may say, that the Court of Spain seems to have been ingenious enough, to fall upon the most effectual

effectual Method for provoking a national Reſentment on our part, by making every Injury, that has been done us by any of their Subjects, the Act and Deed of the whole Nation; or tho' they have acknowledged ſome of the Injuries done, to be ſuch, yet I do not hear that they have, in any one Caſe, made a compleat Reſtitution of all Coſts and Damages, or that they have puniſhed, or given up any one of the Offenders. From hence, Sir, I muſt think, that thoſe who ought to adviſe his Majeſty, have been to blame, in not adviſing him to reſent ſome of the Affronts that have been put upon us, by immediate Hoſtilities, or an immediate Declaration of War; I muſt think they have been to blame, in not adviſing his Majeſty, in moſt of the other Caſes, to inſiſt more peremptorily upon a ſpeedy and compleat Reſtitution, and upon a ſevere Puniſhment's being inflicted upon all thoſe Spaniſh Governors or Commanders of Guarda Coſta's, that had any Way injured the Subjects of this Kingdom; and, if I am right in my Opinion, we ought upon this Occaſion, to go farther than any Thing yet propoſed: We ought to enquire into the Conduct of ſome of thoſe who are, by their Poſts or Employments, obliged to give his Majeſty their beſt Advice. This, I think, Sir, is our Duty; and if the Reſolutions firſt propoſed be agreed to, I hope, that Agreement will be followed by a proper Motion for this Purpoſe; which would, I believe, tend more to revive the drooping Spirits of our injured Fellow Subjects, than any other Reſolution we can come to.

'For this Reaſon, Sir, were there no other, I hope the Reſolutions firſt propoſed will be agreed to: For if they are not agreed to, I am ſure no Gentleman can expect to ſucceed, and therefore no Gentleman will make any Motion for ſuch an Enquiry. The preſent unlucky State of Affairs in Europe, or the Danger this Nation may be in, of being involved in a heavy War, can be no Argument againſt ſuch an Enquiry; for it was upon ſuch Occaſions that the Roman People, while they retained their Virtue, got their guilty Magiſtrates puniſhed, and their own Liberties ſecured. In their Hiſtories, we have many Examples of their inſiſting obſtinately upon a Confirmation, or Enlargement of their Privileges, or upon an Enquiry into the Conduct of their Magiſtrates, when the Enemy was almoſt at the Gates of their City. This Obſtinacy never did that brave People any Damage; for as ſoon as they got their Liberties ſecured, or their guilty Magiſtrates puniſhed, their Armies went out with Alacrity, and returned with Victory. In this Country, I hope upon the preſent Occaſion, the Caſe would be the ſame: Give the People but Satisfaction: Put our Fleets and our Armies under thoſe, in whoſe Wiſdom and Conduct

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Conduct they have a Confidence, and I promiſe for them they'll give a good Account of their Enemies. Whereas, if you go to War, while your People are diſcontented, and conſequently diſpirited; if your Fleets and your Armies are under the Conduct of thoſe, who by their paſt Management have forfeited their Character, both among your Soldiers and Sailors, you can expect no Succeſs, either from your Fleets or your Armies. Therefore, in caſe a War ſhould become unavoidable, I am afraid it will be neceſſary for us, to enter into ſuch an Enquiry as I have mentioned, in order to give Satisfaction to our People, either by juſtifying our late Conduct, in caſe it ſhould appear to have been prudent and wiſe; or by removing or puniſhing thoſe, that have been the chief Adviſers of it, in caſe it ſhould appear to have been puſillanimous and imprudent.

'But, Sir, I am of Opinion, that the beſt Method we could take for preventing a War, would be, to reſolve immediately upon enquiring into our late Conduct; becauſe, if the Enemies of this Nation have got any Advantages from our Conduct in Time of Peace, they may reaſonably hope for greater in Time of War, and therefore may now refuſe to give us a proper Satisfaction or Security, becauſe they are deſirous of coming to a Rupture; whereas, if we this Day reſolve upon an Enquiry, our Enemies will expect a Change in our Managers, and from thence a Change in our Conduct, which muſt diminiſh, if not deſtroy their Hopes of getting any Thing by a War, and may conſequently alter their Inclinations.

'To tell us, Sir, that the Court of Spain cannot, in a peaceable Manner, be brought to agree to ſuch particular Acknowledgments, and ſpecifick Promiſes, as they have, by their own Conduct, made neceſſary for the Satisfaction and Security of this Nation, is to tell us, that they deſpiſe us. If this be the Caſe, we can expect no real Peace, notwithſtanding any new Treaty we can make with them: We muſt expect, that after the next Treaty, they will continue to treat us as they have done ſince the laſt. We can expect nothing but repeated Inſults and Depredations, till by a vigorous War we convince them of their Error, and compel them to alter their Behaviour. But this, Sir, is not the Caſe; they may perhaps deſpiſe our Negociators; but, I am perſuaded, they do not, I think they cannot, deſpiſe the Nation. They may hope, that our Fleets and Armies will be bound up in Time to come by pacifick Inſtructions, as they have been upon ſome former Occaſions; but they know too well the Alacrity and Courage both of our Soldiers and Sailors, not to be afraid of their being ſent againſt them with proper Inſtructions. The beſt Thing therefore we can do upon the preſent Occaſion, is to lay our Negociators under a Neceſſity of treating with

with them, upon a Footing different from what they have done; and our Miniſters under a Neceſſity of furniſhing any Fleets or Armies, they may hereafter put the Nation to the Expence of ſending out, with ſuch Inſtructions as ſhall make them ſpread Terror, inſtead of Laughter, wherever they come. For this Purpoſe, the Reſolutions firſt propoſed, are ſo far from being too particular or explicite, that, I think they ought to be made more particular and more explicite. If we ſhould add to each of them in expreſs Terms, that it is the Opinion of this Houſe, War ought to be declared againſt Spain, unleſs ſuch a Right or Privilege ſhould be particularly acknowledged, or unleſs ſuch a Violation of the Law of Nations, or ſuch an Inſult ſhould be attoned for, by puniſhing or giving up the Authors, I do not think we would be in the leaſt to blame; and, with regard to the Damage that has been done to our Merchants and Seamen, if we ſhould appoint a ſelect Committee to take a particular Account of it, and to ſtate the ſpecifick Sum they thought it amounted to, and if we ſhould upon their Report come to a Reſolution, that ſuch a ſpecifick Sum ought to be demanded and peremptorily inſiſted on, for making good that Damage to the Sufferers, I am convinced very few Perſons in this Nation would think we had gone a bit too far, nay, that we had done wiſely, by avoiding being the Dupes of Spain and the Scoff of all Europe.

'However, Sir, I am confident, that as ſoon as thoſe Reſolutions are laid before his Majeſty, he will order and empower ſome proper Perſons to examine particularly into the ſeveral Depredations that have been committed upon his Subjects, and to ſtate the ſpecifick Sum they amount to. I am likewiſe confident, that in any future Treaty his Majeſty will inſiſt upon this ſpecifick Sum's being immediately paid, and upon every other Reparation for ſatisfying the Honour of this Kingdom. Theſe Things, I ſay, Sir, I am confident his Majeſty will inſiſt on; at leaſt, our Reſolutions, in caſe we agree to thoſe that were firſt propoſed, will, in ſome Meaſure, ſhew that they ought to be inſiſted on.

'I am ſurpriſed, Sir, to hear his Majeſty's Name mentioned in the Manner it has been in this Debate. His Majeſty's Wiſdom and Conduct is ſo well known, that if it were poſſible for him to ſee every Thing with his own Eyes, and to execute every Act of Government or Power by himſelf, without the Interpoſition of Miniſters or Servants, there would be no Occaſion for our entering into any Enquiry, or coming to any Reſolutions. We are not, Sir, ſo much as to doubt of our Sovereign's Wiſdom or Conduct in any Affair whatſoever; but, the Wiſdom and Conduct of his Miniſters or Servants we may doubt of, we ought to doubt of it: It is what we ought often to enquire into; and, I muſt think there never was greater Occaſion for doubting of it, and enquiring

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quiring into it, than at preſent. For this Reaſon, whatever I have ſaid, or may ſay upon the ſubject now under our Conſideration, will, I hope, be intended to be meant only of the Conduct of his Majeſty's Miniſters; and that Conduct, I hope, I may freely examine into, and freely cenſure, without giving any juſt Offence. I believe there is no Man in the Kingdom queſtions but that his Majeſty would have long ſince obtained full Satisfaction and Security, either in a peaceable Way, or by Force of Arms, if he had not been miſinformed, and miſled by Advice, which now, I think, appears to have been none of the moſt prudent; and, if Foreigners have begun to preſume, which I am afraid they have, that our Miniſters are weak and imprudent, and upon that Preſumption have begun to treat this Nation in a haughty, unjuſt, or contemptible Manner, their perceiving that the Parliament continues to put an entire Confidence in the Conduct of ſuch Miniſters, will not, I am ſure, prevail with them to alter their Conduct, with regard to this Nation, in Time to come.

'I am of Opinion, Sir, that our Situation, as an Iſland, will always furniſh us with an Opportunity, if we have the good Luck to be under a prudent and wiſe Adminiſtration, for aſſerting our Rights, in caſe of Encroachments from any of our Neighbours; becauſe, while we hold the Balance of Power in Europe, we ſhall always be provided with ſuch an Opportunity; and, we can never loſe holding the Balance of Power in Europe, but by a long Series of egregious Blunders. However, ſuppoſing that our Situation does not aways furniſh us with ſuch an Opportunity, if, as the Gentlemen ſay, it often does, I cannot comprehend how it has happened, that we could find no ſuch Opportunity for theſe twenty Years paſt; for, every one knows that it is more than twenty Years ſince the Spaniards firſt began to incroach upon or invade ſome of our Rights or Privileges; and, it muſt be granted, that ſince they firſt began, they have continued without any long Intermiſſion. I am therefore very ſuſpicious, we have of late Years neglected ſeveral good Opportunities for compelling them to ſettle all Diſputes with us to our own Liking; and, from thence, there is, I think, great Reaſon to fear, that thoſe who have neglected paſt Opportunities, will not make a good Uſe of any future, unleſs we lay them under a Sort of Neceſſity for ſo doing, by the Reſolutions we come to upon this Occaſion.

'In deliberating what we ought to do upon the preſent Occaſion, we are not, Sir, to conſider, whether the preſent Conjuncture be a proper one, for repairing our Wrongs, and vindicating our Rights and Privileges. We are to conſider what Rights and Privileges of this Nation have been invaded by Spain, and what Injuries they have done us, in order to declare

declare them to his Majeſty, in what Manner the former ought to be aſſerted, and the latter reſented. This we are to do, that his Majeſty may from thence ſee, the Rights and Privileges of his Kingdom that have been invaded, and the Injuries that have been done to his Subjects; and that he may know what we think ought to be done upon ſuch an Occaſion. His Majeſty only is to conſider whether the preſent be a ſeaſonable Conjuncture, for doing what ought to be done; and if it is not, he will of courſe conſider, how it comes that the preſent Conjuncture of Affairs in Europe happens to be ſo unfavourable for this Nation. This will naturally make him reflect upon the late Informations and Advices he has received; and if they appear to have been wrong, it will make him change his Meaſures, and perhaps his Councillors. If his Majeſty ſhould, upon Examination, find, that the preſent is not a proper Seaſon for inſiſting upon ſuch Terms as we ought to have, he cannot, by the Reſolutions propoſed, or by any Reſolutions of this Houſe, be obliged to inſiſt peremptorily upon ſuch Terms, nor can his Miniſters be expoſed to any Danger, for adviſing him to accept of more general Terms, though they may be neither ſo honourable nor effectual. But it is ſtill to be underſtood, that they had no Hand in rendering the Conjuncture ſo unfavourable for their Country, nor had neglected to take advantage of any preceding Conjuncture that was favourable. With regard to his Majeſty, the only Effect our Reſolutions can have, will be to give him a full and true Information, and, I hope, a wholſome Advice; and, with regard to his Miniſters, the only Effect our Reſolutions can have, will be to make it dangerous for them to adviſe him to accept of, or ratify a diſhonourable or ignominious Treaty, at a Time when the Circumſtances of our Affairs both at home and abroad, afforded him an Opportunity for inſiſting upon honourable Terms; and for both theſe Purpoſes, I muſt think the Reſolutions firſt propoſed will be much more effectual than the Reſolution propoſed by the honourable Gentleman's Amendment.

'I muſt grant, Sir, that if a Motion were to be made in this Houſe, for an immediate Declaration of War, I ſhould be againſt agreeing to ſuch a Motion; becauſe, I really believe the Affairs of Europe are, at preſent, in a State not very favourable for this Nation; but I muſt ſay, I am of Opinion, it is pretty much owing to our own Conduct. I am afraid it will be found, that for many Years our Neighbours, the French, have had the Art to make us fall out with Spain whenever they had a Mind; and after they had ſet the two Nations by the Ears together, they have had Authority enough, to make us carry on the War in ſuch

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a Manner, and agree to an Accommodation upon ſuch Terms, as they were pleaſed to preſcribe. By this Management the Spaniards have found, that they can expect nothing from our Friendſhip, nor need fear any Thing from our Enmity; which has been the chief Cauſe of their inſulting Behaviour towards us, and will always, while it ſubſiſts, produce the ſame Effect; and by the ſame Management, I am afraid, our Character has been ſo much leſſened at all the Courts of Europe, that none of them are now fond of an Alliance with us, nor ready to give us their Aſſiſtance. If I have been rightly informed, even our good Allies the Dutch begin to look cool upon us; for I have been told that an Application was lately made to them, to join with us againſt Spain, and that they anſwered coolly, 'If Spain pretends to do us an Injury, we know how to right ourſelves without your Aſſiſtance.' Whether this be true or not, our Miniſters know much better than I can pretend to; but if it is, I muſt from thence conclude, we have not an Ally in Europe, we could truſt to for Aſſiſtance, in Caſe of a War; and therefore I muſt conclude, that the preſent is a very unſeaſonable Conjuncture, for us to declare War againſt Spain; becauſe we cannot foreſee what Aſſiſtance they might, in ſuch a Caſe, meet with, from ſome of the other Powers of Europe, eſpecially from thoſe who are naturally no great Friends to this Nation. However, Sir, our agreeing to the Reſolutions firſt propoſed, can have no other Effect, than to ſhew his Majeſty what we think ought to be done; and as our coming to ſuch Reſolutions will be an Argument for convincing our old and natural Allies, that the Nation has at laſt got out of its Leading Strings, as the Reſolutions of Parliament will have greater Weight, and will be more confided in, than the Reſolutions of any of his Majeſty's other Councils, our coming to ſuch Reſolutions, may probably reſtore our Character at foreign Courts, and enable his Majeſty to bring about ſuch an Alteration in the Affairs of Europe, as will furniſh us with a good Opportunity for reſenting the Injuries we have met with, and for vindicating and aſſerting every one of the Rights or Privileges of the Nation, that has lately been invaded, or any way incroached on.

'I am extremely ſurprized, Sir, to hear the leaſt Inſinuation made, that we ought always to approve of what appears to be the Sentiments of his Majeſty's Miniſters, or that we ought, upon all Occaſions, to ſpeak their Senſe only. To eſtabliſh this, as a Rule for our Conduct, would be ſuch a Diſgrace, as, I hope, this Houſe will never incur. I have ſo good an Opinion even of this Parliament, that I cannot imagine we will approve of this Maxim; becauſe, no

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Parliament [illegible] of [illegible] [illegible] Motive can be of any [illegible] [illegible] [illegible] [illegible] fore, I [illegible] [illegible] [illegible] convince [illegible] [illegible] [illegible] tion or Influence [illegible] Sir, [illegible] Motive [illegible] Parliament. [illegible] living; [illegible] Tribe [illegible] Parliament will [illegible] it: It can [illegible] [illegible] is common [illegible] if we [illegible] [illegible] proves of [illegible] [illegible] keeped, [illegible] They [illegible] [illegible] Ministers, [illegible] Encouragement [illegible] have a [illegible] the Conduct [illegible] upon this [illegible] Measures [illegible] Dozen [illegible] thorough [illegible] Parliament [illegible] have been [illegible] been all, [illegible] former; yet, [illegible] produced [illegible] regard [illegible] trary, [illegible] Insults [illegible] [illegible] [illegible] able, [illegible] a British Parliament.

'Having said thus much, Sir, I shall observe, that, if we consider the last Spanish Memorial, and the Estimates for the Service of the ensuing Year, we shall find, in my Opinion, an irresistible Argument for coming to the most vigorous Resolutions upon the present Occasion. By the last Spanish Memorial it appears, that the Court of Spain are as far from yielding to grant us either Satisfaction or Security in a peace-

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able Way, as they were ſeven Years ago; and yet, by the Eſtimates for the enſuing Year, it appears that we have no Deſign to ſeek for it in any other Way. It is an old Maxim in Treaty-making, that the beſt Method of treating is to treat Sword in Hand. We have been treating for theſe eight or nine Years, without Sword in Hand, and the Event has ſhewn the Miſtake we have been guilty of; for, by what I can find, we are not now ſo near our Purpoſe, as we were when we firſt began; becauſe our Complaints, and conſequently our Demands, increaſe daily, and the more they increaſe, the more difficult we ſhall find it to obtain full Satisfaction. It was therefore in my Opinion high Time for us, at the Beginning of this Seſſion, to think of altering our Method of Treating: It was high Time for us to think of putting ourſelves in a Condition to treat Sword in Hand; and for this Reaſon, I was ſurpriſed to find, by the Eſtimates for this enſuing Year, that no more than 10,000 Seamen were demanded for that Service. I expected that 20,000 Seamen at leaſt would have been demanded; nay, if 30,000 had been demanded, I ſhould have been for agreeing to it; becauſe, I think even that Number may be uſefully employed. But as no greater Number has been demanded, than what is uſual in Time of Peace, I am from thence convinced, that our Miniſters have no Thoughts of altering their Method of Treating; which I think it is our Duty to oblige them to do; but we never can do it by agreeing to the Amendment propoſed by the honourable Gentleman. Therefore, I hope the Amendment will be diſagreed to, in order that the Queſtion may be put, and agreed to, upon the ſeveral Reſolutions that were firſt propoſed.'

Edward Wortley Montague, Eſq; ſpoke to the following Effect:

Sir,

'As I do not pretend to know the preſent Views of the Spaniſh Court, nor the Opinion they have of this Nation, I ſhall not take upon me to determine which of the two Propoſitions made to us, will be moſt effectual for procuring that Remedy and Relief the Petitioners pray for. I am afraid neither of them will prove effectual: Nay, I doubt much, if an Order or Reſolution for 20,000 Seamen for the Service of the enſuing Year, or even the fitting out a formidable Squadron, with Fireſhips, Bomb-ketches, and all other Utenſils of War, would procure ſuch a Satisfaction or Security from that Nation, as we ought to inſiſt on; for they have of late ſeen us fit out ſo many expenſive and hoſtile-like Squadrons, without any hoſtile Intention, that, I believe, they will not now think we are in earneſt, till they not only ſee our Squadrons,

drons, but feel the Effects of the Orders that have been given to ſuch Squadrons. I believe a Britiſh Squadron ſent into the Mediterranean, and another into the Weſt-Indies, with ſuch Orders as that Britiſh Squadron had which was ſent into the Mediterranean in the Year 1718, would ſoon make them feel the Effects of Britiſh Reſentment; and, would prove more effectual than any Reſolution now propoſed, or any Reſolution we can come to.

'But, Sir, if this Nation ſhould be put to any ſuch Expence, by the Obſtinacy of the Spaniſh Court, I hope that Expence will be added to the other Demands we have upon that Nation; for whatever Man or Nation refuſes to ſatisfy a juſt Demand, ought to be loaded with the Coſts and Charges, which the other Party is neceſſarily put to, in recovering what is due to him. Therefore I hope I ſhall never hear any Gentleman in this Houſe pretend to charge that Expence upon this Nation as a new Debt; nor will it, I hope, prevent our paying off any Part of the old.

'I muſt confeſs, Sir, that I believe the preſent Conjuncture of Affairs in Europe to be a very unfavourable one for this Nation; and, I believe ſo, becauſe I find the honourable Gentleman, who propoſed the Amendment, ſo much afraid of our doing any thing, that may tend to involve the Nation in a War with Spain. Thoſe Fears muſt either proceed from a Conſciouſneſs of the bad State of Affairs abroad, or, from a Conſciouſneſs of the Weakneſs of this Nation, when compared with the ſuperior Power of the Kingdom of Spain; for, I am ſure, no Gentleman that knows him, can ſuppoſe them to proceed from any natural Puſillanimity of his own.

'Now, Sir, as neither he, nor any Man elſe, can ſuppoſe the Power of Spain any way ſuperior to the Power of this Nation; therefore, his Fears muſt proceed from his being conſcious, that the preſent Conjuncture of Affairs in Europe is not a favourable one for us; and, as I muſt ſuppoſe, from the Station he is in, that he is fully appriſed how Affairs ſtand abroad; therefore, upon the Credit of his Judgment, I believe they are at preſent in a Situation very unlucky for this Nation; but this is ſo far from being a Reaſon for our not coming to vigorous Reſolutions, that I think it a good Reaſon for our coming to more vigorous Reſolutions, and Reſolutions of a more domeſtick Nature, than any yet propoſed; for the Affairs of Europe can never be brought into a bad Situation for us, without ſome Miſmanagement of our own; and if we are, by our own Miſmanagement, brought into ſuch Difficulties, that we muſt ſuffer the moſt cruel Uſage, without daring to ſhew a proper Reſentment, I do not think it would be prudent in us, who are the Repreſentatives of the People,

Anno 11. Geo. II. 1737-38.

People, I do not think it would be conſiſtent with the Duty we owe to our Sovereign, to truſt entirely, for our Deliverance, to thoſe who had, by their Blindneſs, Ignorance, or Wickedneſs, led us into the Mire.

'What Reaſons the Spaniards may have for treating us in ſuch a Manner, or what Reaſons we may have for ſuffering ſuch Treatment, and for ſuffering it ſo long, I do not know; but to me, Sir, the two Nations ſeem to have entirely changed Conditions ſince the Year 1667. As I have had a particular Opportunity, for making myſelf acquainted with the Tranſactions between Spain and us about that Time, I muſt let you know, Sir, that at the Time of ſettling the Treaty, which was that Year concluded between the two Nations, and for ſome Time before, we treated the Spaniards in the ſame Manner, in which, I believe, they now treat us. Our Ships in the American Seas, under ſome Pretence or other, plundered or made Prize of almoſt every Spaniſh Ship they met with in thoſe Seas. The Spaniards juſtly complained of this Treatment, and, by their Miniſter here, preſented ſeveral Memorials to our Court upon the Subject. Our Court did not pretend to juſtify ſuch Depredations, but pretended Ignorance, and that they would order Satisfaction as ſoon as the Complaints could be enquired into. In the mean Time, to keep the Spaniards eaſy, and to amuſe their Court, Orders were iſſued to our Governors, and to the Commanders of our Ships of War, in the Weſt Indies, expreſly enjoining them to forbear all ſuch Depredations or Hoſtilities for the future. Theſe Orders were ſhewn to the Spaniſh Miniſter here, and were ſent to our reſpective Governors, and Commanders of Ships in the Weſt Indies; but at the ſame Time private Letters were diſpatched to thoſe Governors and Commanders, not to regard the Orders ſent them, but to follow ſuch Orders, as they ſhould from Time to Time receive from our Governor of Jamaica; ſo that the Depredations were continued, notwithſtanding the Orders of our Court to the contrary. I believe, if the Court of Spain now ſends any Orders to the Weſt Indies, they play the ſame Game upon us; but the Difference is, that our treating them in this Manner, continued but a very ſhort while, and they were in no Condition to reſent the Injury; whereas their treating of us in this Manner, has continued ten Times as long, notwithſtanding our being, the whole Time, in a Condition to revenge ourſelves.

'This, Sir, is a Circumſtance which very much alters the Caſe; and, ſince we have ſo long made uſe of our perſuaſive Power in vain, I think it is high Time for us to begin to think of making uſe of our compulſive Power, and to take

take proper Meaſures for that Purpoſe; for, let the preſent Conjuncture of Affairs in Europe be never ſo unfavourable, I am certain, that, by Prudence and good Conduct, we may very ſoon bring about ſuch an Alteration in the Affairs of Europe, as will furniſh us with a favourable one. As to the two Propoſitions now before us, if you proceed no farther, I am eaſy, Sir, about which of them may be agreed to; but, as the Reſolution the honourable Gentleman has by his Amendment propoſed, contains nothing more than what was in the Reſolutions this Houſe has formerly come to upon the ſame Subject; and, as neither of thoſe Reſolutions has had any Effect, I am ſure the Reſolution he has propoſed can have none; and therefore, I cannot agree to it. Then, Sir, with regard to the Reſolutions firſt propoſed, as I do not know, but they may have ſome Effect, and eſpecially, as I hope they will be followed by ſome other Reſolutions of a different Nature, I am therefore for agreeing to them; and for this Reaſon, ſhall give my Negative to the Amendment.'

Anno 11 Geo. II. 1737-38.

Several other Members ſpoke upon this Queſtion, but having given the moſt material Arguments, we ſhall omit their Speeches; but the Queſtion upon the Amendment being put, it was carried.

March 30, 1738. Mr. Alderman Perry reported the ſaid Reſolution, as it paſſed amended in the Committee, to the Houſe; upon which Sir John Barnard, Mr. Pulteney, Sir William Windham, and ſeveral other Members were for recommitting it; and a Debate enſued, in which the ſame Arguments on both Sides, with very little Alteration, were advanced: We ſhall not, therefore, trouble the Reader with repeating them. But the Queſtion for recommitting the Reſolution being put, the ſame was carried in the Negative.

Sir John Barnard, Mr. Pulteney, and Sir Will. Windham for recommitting the Reſolutions as amended.

The ſame Day, upon a Motion of Mr. Alderman Perry from the ſaid Committee, it was reſolved,

That an humble Addreſs be preſented to his Majeſty, humbly beſeeching his Majeſty, to uſe his Royal Endeavours with his Catholick Majeſty, to obtain effectual Relief for his injured Subjects, and to convince the Court of Spain, that, how deſirous ſoever his Majeſty may be to preſerve a good Correſpondence and Amity betwixt the two Crowns (which can only ſubſiſt by a ſtrict Obſervance of their mutual Treaties, and a juſt Regard to the Rights and Privileges belonging to each other) his Majeſty can no longer ſuffer ſuch conſtant and repeated Inſults and Injuries to be carried on, to the Diſhonour of his Crown, and to the Ruin of his trading Subjects; and to aſſure his Majeſty, that, in caſe his Royal and Friendly Inſtances, for procuring Juſtice, and for the

Mr. Alderman Perry moves for an Addreſs to his Majeſty.

[illegible] the [illegible] Security of the Navigation and Commerce, which [illegible] have an undoubted Right to by Treaties and the Law of Nations. And that he will use his utmost Endeavours for the Support and Promotion of the Duty of 1000l. upon Salt, such Satisfaction as his Majesty may reasonably expect from a great and faithful Ally. His Lordship will effectually support his Majesty in taking such Measures, as Honour and Justice shall make necessary for his Majesty's Service.

Resolved, That the said Address be presented to his Majesty by the whole House.

Ordered, That the aforesaid Resolution of the House, so humbly and dutifully agreed to by his Majesty at the said Time with their said Address.

April 12. Mr. Speaker reported that the House attended his Majesty yesterday with their Resolution and Address of the 30th of March last; to which his Majesty was pleased to give the most gracious Answer, viz.

Gentlemen,

" I Am fully sensible of the many and unwarrantable De-
" predations committed by the Spaniards; and you may
" be assured, I will make use of the most proper and effec-
" tual Means, that are in my Power, to procure Justice
" and Satisfaction to my injured Subjects, and for the future
" Security of their Trade and Navigation. I can make no
" Doubt, but you will support me, with Chearfulness, in all
" such Measures, as, in Pursuance of your Advice, I may
" be necessitated to take, for the Honour of my Crown
" and Kingdoms, and the Rights of my People."

The next Debate we shall give an Account of, is that upon the Petition of the Manufacturers of Raw Silk and Mohair, and of Needle-work Buttons, which was presented to the House, March 3, and set forth,

' That Raw Silk and Mohair, employed in making But-
' ton-holes, being Commodities that are purchased in Tur-
' key, and other foreign Parts, in Exchange for the Woollen
' and other Manufactures in the Kingdom; the Parliament,
' for the greater Encouragement of the Consumption of the
' said Commodities, had passed an Act, in the Seventh of
' his late Majesty, intitled, *An Act for employing the Ma-*
' *nufacturers, and encouraging the Consumption of Raw*
' *Silk and Mohair, by prohibiting the wearing of Buttons*
' *and Button-holes made of Cloth, Serge, and other Stuffs.*
' In Consequence of which, and other Acts of the like Ten-
' dency, many Thousands of Families were preparing Silk,
' Mohair, Yarn, and Thread employed in making of But-
' tons and Button-holes with the Needle. But that in Eva-
' sion,

' ſion, and contrary to the Intention of the ſaid Act, great ' Quantities of Stuffs made of Horſe-hair, or mixed there- ' with, have been lately wove in narrow Breadths or Slips, ' and uſed only for making and binding of Buttons and ' Button holes, to the great Detriment and Impoveriſhing ' of many Thouſands, who had no other Way of ſubſiſting ' but by working of Buttons and Button-holes with the ' Needle, and Prejudice of the Woollen Manufactures of ' the Kingdom. And therefore the Petitioners prayed that ' the Houſe would give Leave that a Bill be brought in, to ' explain the ſaid Act, and that the Petitioners be relieved ' in ſuch Manner as to the Houſe ſhall ſeem meet.'

Anno 11. Geo. II. 1738.

Tho' this Debate was not of ſo public a Nature as thoſe we have already given; yet, as it ſhewed the Senſe of the Houſe upon a very important Point, we ſhall give the Reader a connected View of the whole Arguments and Proceedings upon this Bill.

This Petition being referred to the Conſideration of a Committee, March 19, Mr. Cholmondley made the Report from the ſaid Committee, and Leave was given to bring in a Bill according to the Deſire of the Petition. The Bill was accordingly preſented, and read for the firſt Time on the 24th of March, and ordered a ſecond Reading; but before it came to a ſecond Reading, ſeveral Petitions were preſented from the Manufacturers and Dealers in Woven Buttons, praying to be heard by Counſel againſt the Bill; the Deſires of which Petitioners were granted, and the Petitions ordered to lie upon the Table until the Bill was read a ſecond Time; as were alſo Petitions from the Manufacturers and Traders in the Needle-work Buttons in the ſeveral Towns in England, expreſſing their Apprehenſions that the general Trade of the Kingdom would be affected, and the Exports of the Woollen and other Manufactures to Turky greatly decreaſed, and many Thouſands of themſelves reduced to great Indigence, if the ſaid Bill did not paſs into a Law.

Progreſs of the Petition.

Bill brought in upon the ſame.

Petition againſt it.

April 10, The Bill was read a ſecond Time, and Counſel being heard both for the Bill and againſt it, and ſeveral Witneſſes examined, the Bill was committed, and all who came to the Committee were to have Votes.

April 18. Mr. Cholmondley reported from the Committee, that they had found the Allegations in the Bill true; upon which the Bill, with the Amendments made in the Committee were ordered to be engroſſed.

April 25. The Bill was read a third Time, and the Queſtion being put if it ſhould paſs,

Debate upon the ſame.

Henry Fox, Eſq; ſpoke as follows:

Sir,

' I don't ſtand up to oppoſe this Bill from any Conſidera- tion how far particular Perſons may be affected by its Fate,

Henry Fox, Eſq;

Anno 11 Geo II. 1738

but from a Conviction that, inſtead of its being of real Service to the Commerce or Manufactures of the Kingdom, if it paſſes into a Law, it may do hurt to both. I have heard the Witneſſes both for and againſt the Bill examined; I was likewiſe preſent when the Counſel on both Sides was heard at the Bar of the Houſe; and by what I could gather from the Evidence of the one and the Pleadings of the other, the Practice of weaving Buttons can never prevent any of the good Conſequences that were intended by the ſeveral Acts of Parliament, in favour of the Conſumption of Raw Silk and Mohair, from being effectual; and that the Manufacture which the Bill is intended to deſtroy, ought to receive the greateſt Encouragement from the Legiſlature. Therefore, Sir, till I hear better Reaſons in Support of this Bill than any I have yet heard, I muſt be againſt our paſſing it into a Law.'

He was anſwered by Mr. Cholmondley, as follows:

Sir,

Charles Cholmondley, Eſq;

'I have the Misfortune to differ ſo much from the honourable Gentleman who ſpoke laſt, that I think, if ever any Bill of this Kind deſerved the Encouragement of the Legiſlature, the preſent does. I think it is generally allowed that one of the Characters of a beneficial Trade, is, when a Nation exports of its Manufactures and native Commodities for ſuch Goods as receive a further Manufacturing in that Nation. Former Parliaments ſeem to have been ſo ſenſible, that the Importation of Raw Silk and Mohair was of the greateſt Advantage to the Nation, by increaſing the Export of our Woollen and other Manufactures, that few Branches of Trade have met with greater Encouragement from the Legiſlature, than the making of Buttons and Button-holes with the Needle. So far back as the 14th Year of Charles the Second, this Houſe thought a Petition from the Manufacturers of wrought Buttons and Button-holes ſo worthy their Conſideration, that an Act was paſſed, Prohibiting the Importation of foreign Buttons and Needle-work, under the Penalty of fifty Pounds, and Forfeiture of the Goods ſo prohibited The Petition, Sir, that gave Riſe to that Act, was preſented to the Houſe, on the very Motive, that gave Occaſion to the Bill now before us; which was the Relief of great Numbers of the Inhabitants of this Kingdom, who gained their Living, and had been able to relieve their indigent Neighbours, and ſet on work many poor Children, by their Skill and Dexterity in this Manufacture; and who were in Danger to have been all ruined by the Practice, then introduced, of importing foreign Buttons and Button-holes into the Nation.

In

Anno 11 Geo. II. 1737.

'In the tenth Year of King William, the Intention of the former Acts in favour of this Manufacture, had been ſo much fruſtrated by the making and wearing Buttons made of Shreds of Cloth, Camblet, and other Stuffs, that Numbers of poor People employed in manufacturing Buttons with the Needle were thrown upon their reſpective Pariſhes: This induced the Legiſlature to paſs an Act juſt of the ſame Nature with that now under our Conſideration; by which, Buttons made of Cloth, or any of the Stuffs of which wearing Apparel was uſually made, were prohibited. But as this Act did not extend to Button-holes, in the Eighth Year of Queen Anne an Act paſſed, which took notice, that the Intention of the laſt Act had been of late, in a great Meaſure, rendered ineffectual by an artificial and unforeſeen Practice of making and binding Button-holes with Cloth, Serge, and other Stuffs, to the utter Ruin of Numbers of Families. Therefore, Button-holes as well as Buttons, made of, or bound with ſuch Stuffs, were prohibited under the Penalty of five Pounds per Dozen on the Taylor, Seller, or Maker of any ſuch Buttons or Button-holes ſo prohibited. But this Act, Sir, proving no more effectual than the former Acts I have mentioned, for anſwering the good Intentions of Parliament, an Act was made in the fourth Year of his late Majeſty, by which all Clothes and wearing Garments made with Buttons and Button-holes, prohibited by the former Acts, were liable to be forfeited and ſeized, except where the Clothes were made of Velvet. It might have been reaſonably hoped, Sir, after ſuch Precautions taken by Parliament, that the good Ends propoſed by the ſeveral Acts I have mentioned would have been no longer eluded; but in the ſeventh Year of his late Majeſty ſome further Regulations on this Head were found abſolutely neceſſary. Some Gentlemen who are preſent may remember, that at that Time the only Method that could be thought of for that Purpoſe, was to extend the Penalty to the Wearer of ſuch prohibited Buttons and Button-holes, as well as to the Maker and Taylor. This gave Occaſion for paſſing the Act intitled, An Act for employing the Manufacturers, and encouraging the Conſumption of Raw Silk and Mohair Yarn, by prohibiting Buttons and Button-holes made of Cloth, Serge, or other Stuffs. And by this Act a Penalty was laid upon the Perſon who wore ſuch prohibited Buttons and Button-holes. This Act, for ſome Time, had a very good Effect, and the Manufacturers, from the Encouragement which the Parliament has given them from Time to Time, have made a great many Improvements in their Trade, and brought it to ſuch a Perfection, that they are able not only to ſupply this Nation, but export conſiderable Quantities of them to foreign Parts.

Anno 11 Geo II. 1738.

So that, Sir, another Character of a good Trade is anſwered by this Manufacture, which is, the manufacturing and improving, in order for a Re-exportation, a Commodity that is imported. Therefore, Sir, this Act deſerves the Countenance of the Legiſlature as much, if not more, than any Act relating to our Manufactures, that has paſſed this Houſe for ſome Years: Firſt, as it tends to take off large Quantities of a ſtaple Commodity of this Nation; and, ſecondly, as it adds to our Exports: Both which in a Nation that ſubſiſts by Commerce are of the greateſt Conſequence.

'But, Sir, beſides the Advantages I have already mentioned, it is eaſy to make it appear that the Encouragement given to this Manufacture is a conſiderable Eaſe to the landed Intereſt. I could name, Sir, many Places of the Kingdom, where the Poor, if not employed in this Manufacture, muſt be either thrown upon their reſpective Pariſhes, or obliged to beg their Bread. I dare ſay, Sir, that in the ſeveral Towns and Cities from which Petitions have come before this Houſe in favour of the Bill, there are no fewer than 140,000 Inhabitants who are incapable to get their Bread in any other way than by applying to this Buſineſs. For, give me leave to obſerve, that in this Manufacture, there is one thing peculiar, which is, that there are few Infirmities either of Age or Sickneſs, that diſable the Manufacturers from applying themſelves to ſome Branch of it, either in twiſting the Yarn, making the Molds, or ſewing the Buttons; beſides many other ſmaller Arts that are abſolutely neceſſary for carrying it on. This, Sir, may be the Reaſon why ſo great Numbers are employed in this Manufacture, and why ſome Traders have found their Account in employing all their Stocks, which often are very conſiderable, that Way.

'Having thus laid before you, Sir, the Advantages ariſing to this Kingdom from the carrying on and improving this Manufacture, I ſhall beg leave to trouble the Houſe with a few Words more, with regard to the Diſcouragement which it muſt meet with, if this Act ſhould not paſs. The late Practice of weaving Silk and Mohair in Looms, for the making of Buttons and Button-holes, is but in a very few Hands, when compared with the Numbers who get their Bread by the Needle-work Manufacture, and, if encouraged, may, in a ſhort Time, quite fruſtrate the Intentions of the former Acts relating to this Affair. Thoſe Buttons that are covered with Slips wrought in the Loom, not being diſtinguiſhable from thoſe covered with Shreds of Camblet or other Stuffs, cannot fail of encouraging that Practice, which, as the Act of the 7th Year of his late Majeſty is ſtill in Force, may put the Subjects to very great Inconveniencies.

For

For Inſtance, if a Gentleman ſhould employ a roguiſh Taylor to make him a Sute of Cloaths, and the Taylor, inſtead of giving him Buttons either made with the Needle, or woven in the Loom, ſhall give him thoſe covered with Shreds of Camblet or other Stuffs: In ſuch a Caſe, the Gentleman, Sir, is liable to a Penalty, tho' quite innocent of any Intention to break this Act of Parliament; ſo that, Sir, this Practice of weaving Buttons is not only ſubject to the Inconvenience I ſpeak of, but gives a Handle to intolerable Impoſitions and Frauds that may be practiſed by Tradeſmen. We had a remarkable Inſtance, Sir, how eaſily this Fraud may be practiſed, in the Evidence given in at the Bar of this Houſe, by ſome of the principal Witneſſes brought to ſupport the Arguments of the Counſel againſt the Bill. When a Parcel of Buttons was laid before them, ſome woven in the Loom, others made of Shreds of Camblet and other ſuch Stuffs, tho' it was pretended that the one might be eaſily diſtinguiſhed from the other, yet none of the Evidences could poſſibly ſay which was the one or which was the other, till they had looked to that Part of the Button that is ſewed to the Coat; and not even then without great Difficulty; for ſome of them were obliged to go to the Light, in order to view them more narrowly, and after all ſome of them were miſtaken, and others could not poſitively diſtinguiſh them. If it was ſo hard, Sir, for theſe Evidences, who are themſelves Manufacturers and Dealers in woven Buttons, how hard muſt it be to me, or another Man who knows nothing of the Matter! But, Sir, beſides this Inconvenience to particular Perſons, ſuch a Practice muſt ſoon very much affect the Trade of the Nation. The Practice of making Buttons of Shreds of Stuff will in a ſhort Time become common amongſt our lower and midling Sort of People, and do great Prejudice both to the Exportation of Woollen Manufactures, and to the numerous Dealers in Needle-work Buttons at Home: By diminiſhing the Demand for raw Silk and Mohair, we diminiſh the Exports of our Woollen Goods; and by encourageing woven Buttons, we endanger the Sale of the Commodities in foreign Markets; and thereby we may diminiſh another Branch of our Exports. For, Sir, let us ſuppoſe that a foreign Dealer gives Commiſſion to his Factor here for a Parcel of Buttons; the Factor, either through Ignorance or Deſign, ſends him Buttons covered with Shreds of Camblet or other Stuff, inſtead of Buttons woven in the Loom. Is it not plain, Sir, that ſuch a Practice muſt ſoon prove the Ruin of this Branch of Trade, and intirely ſink the Credit of thoſe who deal in it in foreign Markets? But this, Sir, is not the only bad Conſequence that will attend our not paſſing this Bill into a Law.

Anno 1. Geo. I.

Law [illegible] Gentlemen who ſhall take the Trouble of reading former Acts that have paſſed on this Head, and of peruſing them, the Legiſlature has at Times not only encouraged the Encouragement of the Linnen Manufacture of Ireland and Muſlins and the Importation of the Silk Commodities, but likewiſe the Employment and Subſiſtence of many Thouſands of Poor Women and Children, who muſt have been very burdenſome to the Publick, had it not been for the Needle work Manufacture. And give me leave to ſay, Sir, that the common Maxim is true, that that Manufacture is moſt profitable for a Nation which employs the greateſt Number of Hands, the Manufacture of Needle-work Lace deſerves the Attention and Encouragement of Parliament perhaps better than any other in the Kingdom. For in the Preamble of the Act of the 10th of King William, no leſs than five different kinds of Workers are mentioned to be employed in preparing the Materials for making the Laces. Therefore, Sir, I think by all the Rules of good Policy, we are obliged to ſecond the Intentions of former Parliaments in favour of this Manufacture, by paſſing the Bill now before us. It has already employed great Part of our Time this Seſſion, and every Step made in it has been taken upon the moſt mature Deliberation, and after weighing all the Conſequences that can attend it of every Kind. By paſſing this Act, we do no more than former Parliaments would have done, had the Inconveniency complained of been foreſeen at the Time of paſſing the ſeveral Acts, I have mentioned; and in not paſſing it, I am afraid all their Intentions, in favour of this Manufacture, may be rendered ineffectual.'

He was anſwered to the following Effect, by Henry Archer, Eſq;

Sir,

Mr. Archer.

'I ſhall readily agree with the honourable Gentleman who ſpoke laſt, that the Manufacture now under our Conſideration is of very great Conſequence to the Trade of this Kingdom, and that it has from Time to Time met with great Encouragement from the Legiſlature. Therefore, Sir, if I thought that the good Ends propoſed by former Parliaments had been rendered ineffectual, and that our paſſing the preſent Bill could render them more effectual, I ſhould be far from oppoſing it. But, on the other Hand, as I am perſuaded that it can no way anſwer that Purpoſe, and at the ſame time, that it tends to do a manifeſt Injuſtice to many of his Majeſty's Subjects in their private Properties, I ſhall beg Leave to give my Reaſons why I think myſelf obliged to oppoſe it.

The

'The Deſign of the Encouragement, which the Manufacturing of Raw Silk and Mohair into Buttons and Button-holes has met with, was principally, as the honourable Gentleman who ſpoke laſt ſeemed to allow, to increaſe the Exportation of our Woollen Manufactures: Therefore, Sir, I think it undeniably follows, that if the Manufacturing of Buttons by weaving them in the Loom, conſumes as much Raw Silk and Mohair as working them Needleways, it effectually anſwers the chief End propoſed by former Acts of Parliament that relate to this Manufacture. But by the Manner in which the honourable Gentleman reaſons on this Head, one ſhould be apt to think that theſe Acts reſtrained this Manufacture to be carried on by the Needle alone, and laid a Prohibition upon all other Methods of improving it. But this, Sir, is a Conſequence that can never be admitted by any one who either looks into theſe particular Acts, or underſtands the Nature of our Laws in general. If theſe Words Needle and Needle-work occur in theſe Acts, it can be for no other Reaſon but becauſe no other Words were known at that Time to expreſs the Manner of manufacturing of Raw Silk and Mohair into Buttons. Had the Practice of weaving them in the Loom been at that Time known, I think we have not the leaſt Reaſon to doubt that the ſame Acts would have regarded that Manner of exerciſing this Art, as well as the other by the Needle. So that, Sir, I humbly conceive, if it can be proved, Firſt, That not a leſs, but rather a greater Quantity of Raw Silk and Mohair is conſumed by the Loom Manufacturers, than by the Needle-workers: Secondly, That there is no Weight in the honourable Gentleman's Argument drawn from the great Numbers of Hands employed in the Needle-work Manufacture: And laſtly, That the Dealers in the Loom Manufacture have in Proportion exported greater Quantities of their Goods than the Needle-workers have done; I ſay, Sir, if theſe three Points can be made appear, as I ſhall undertake to do, than the Arguments advanced in favour of this Bill muſt fall to the Ground.

'The Gentlemen who were preſent when the Witneſſes againſt the Bill were examined at the Bar of this Houſe, may remember, that it appeared by ſome of them who had weighed the Materials employed in covering a Dozen of Needle-work Buttons with the ſame Quantity of woven Buttons, that the latter exceeded the former in Weight; and that, after the woven Buttons were made, the Manufacturers were obliged to cut off ſome Part of the Liſt from each Button, where it was ſewed to the Coat, which Waſte ſtill increaſes the Conſumption of the Materials. Nor could the Evidences for

Anno 17. Geo. II. 1743.

for the Bill, Sir, deny, that there was at leaſt an equal Conſumption of the Materials in the one Manufacture as in the other. From hence, Sir, it is evident, that the carrying on this Manufacture by the Loom effectually anſwers the Intention of the Acts paſſed in its Favour. As to the honourable Gentleman's other Arguments, drawn from the Number of Hands employed in the Needle-work Manufacture, which was the ſecond Point I propoſed to ſpeak to, it is, in my humble Opinion, a very good Argument for diſmiſſing this Bill; becauſe, as the Manufacture may be carried on by a much fewer Number of Hands, with equal Advantage to our Trade in general, thoſe who are employed in the Needle-work Way, are ſo many Hands taken from other Arts and other Manufactures, in which they might be employed to much better Purpoſe. I believe, Sir, it is not unknown to ſome Gentlemen in this Houſe, that many of our Manufactures, very beneficial to the Nation, labour under great Diſadvantages from the Dearneſs of Wages, occaſioned by the Scarcity of Hands employed in them. But that Inconveniency would be ſoon removed, if the uſeleſs People employed in this and other Manufactures were turned over to the Manufactures that abſolutely require them. Thus the honourable Gentleman's Objections ariſing from his Tenderneſs for theſe poor People, deprived of this Way of earning their Bread, will be removed to the Advantage both of the Kingdom, and perhaps of themſelves. But to convince Gentlemen how unreaſonable this very Argument is, I ſhall beg leave to apply it to other Caſes, where a Manufacture or an Art has received farther Improvements by carrying it on with fewer Hands. There was a Time, Sir, when all the Learning of this Kingdom, and the reſt of Europe, was contained in Manuſcripts, the writing of which employed great Numbers of Hands, and took up a vaſt deal of Time in re-copying. But, Sir, how ridiculous would it have been, if on the Diſcovery of the Art of Printing, the Tranſcribers and Copyers of thoſe Manuſcripts had joined in a Petition to the Legiſlature, that it would be pleaſed to prohibit the Art of Printing, for the ſame Reaſon which the honourable Gentleman now uſes, becauſe great Numbers would thereby be deprived of Bread! But admitting, Sir, this Inſtance ſhould be thought a little foreign to the preſent Purpoſe, I ſhall beg leave to mention another, which, I think, exactly anſwers the Caſe of the Petitioners for this Bill: The Manufacturing of Wooll, Silk, and Thread into Stockings, when that Manufacture was carried on by Knitting, gave Bread to, I believe, as great Numbers of People, as the Manufacture of Needle-work Buttons now does. But, Sir, I never heard that, when the Invention of working Stock-

Stockings in the Loom was introduced, great Numbers of the Subjects were reduced to Want, and in Danger of ſtarving; or that any Application was made to Parliament in their Behalf. In all civilized Countries, Sir, Inventions for the Improvement of Arts and Manufactures have been encouraged; ſometimes Rewards, and ſometimes excluſive Rights to exerciſe them, have been aſſigned to the Inventors, who are always looked upon as Benefactors to their Country. Anno 11 Geo. II. 1738.

'Not only his Majeſty, and the general Approbation of the Nation, gave a Sanction to a late Invention for improving one Branch of the Manufacture of Raw Silk, but this very Houſe rewarded the ingenious Inventor with a Preſent of 14,000 Pounds. This excellent Invention enabled us to carry on the Manufacture with fewer Hands than it required before, and was therefore juſtly looked upon as a publick Advantage. Now, Sir, I ſhould be glad to know, if Gentlemen would not have thought it a very ridiculous Step in the former Manufacturers, if they had preſented a Petition to this Houſe, ſetting forth, 'That if the Uſe of the Engine invented by Sir Thomas Lombe, was not prohibited by the Parliament, many Thouſands of the Petitioners would be 'in Danger of wanting Bread.' I believe no Gentleman can ſhew me wherein a Petition of this Kind is different from the Petition that gave Riſe to the Bill now under our Conſideration. Nor can I imagine that any Argument can be advanced in favour of this Bill, that does not equally ſerve againſt the Improvement, nay the Invention of any Manufacture. The Longitude, Sir, is a Diſcovery that would conſequently be a great Improvement of Navigation, by rendering it more ſafe, and Voyages performed in a ſhorter Time, and ſo make leſs Employ for Mariners. Were an ingenious Man to diſcover the Longitude, would not our Sailors have as good Reaſon to petition this Houſe againſt that Improvement of their Art, as the Needleworkers have to petition us againſt the Improvement of theirs? and would they not have the ſame Right to Redreſs? Having therefore, I hope, ſhewn that this Argument, drawn from the greater Number of Hands employed in the one Manufacture than are employed in the other, is unreaſonable in itſelf, and attended with the groſſeſt Abſurdities, I ſhall now proceed to conſider what Effect this Improvement can have upon our Exports.

'I believe, Sir, it cannot be diſputed that the cheaper a Manufacture is carried on by a Nation, the greater Quantities of that Manufacture will that Nation be able to export. This Truth, I am afraid, appears but too plain in the preſent State of the Britiſh Manufactures; in which our Neighbours, the French, being able to furniſh the ſame Commodities at a cheaper Rate, underſel us at moſt of the

11 Geo. II. 1738.

Markets in Europe. Therefore, I think, Sir, it is undeniable that every Improvement, which, by diminiſhing the Number of Hands required in a Manufacture, reduces the Price of the Commodity, ought to meet with Encouragement from this Houſe. That the Method of weaving Buttons is more expeditious than that of Needle-working, has I think in effect been owned by the honourable Gentleman, and the Counſel who have ſpoke for the Bill. Now, Sir, the more expeditious the Method, the greater is the Reduction of Hands employed: Becauſe, if a Man who now deals to the Value of ſix thouſand Pounds a Year in Buttons, is obliged to employ eight Hands every Day; if four Hands, Sir, can do the ſame Work that theſe eight Hands can do; and in as ſhort a Time, he can diſcharge four of his Hands, and thereby ſave half his Expences; conſequently he will be able to ſerve a foreign Market at a cheaper Rate than he could before have done. The good Effect of the Reduction of Hands employed in this Manufacture appears from the Examination of the Witneſſes againſt the Bill: For it has been proved, Sir, that, notwithſtanding the Obſtructions they have met with from the Petitioners for the Bill, the Loom Manufacturers have exported larger Quantities in proportion to the Number of Dealers, than the Needle-workers have ever yet done; and there is, Sir, an obvious Reaſon for it, which is, that the Loom Manufacturers not only can afford their Commodities much cheaper than the Needle-workers can, but their Commodities are much better in their Kind, much neater, and more laſting, as has been fully proved at the Bar of this Houſe. There is, I think, only one Objection more, which I ſhall beg leave to anſwer: The Petitioners for the Bill alledged, that in the Loom Manufacture many Materials are uſed which are not Mohair, and that therefore the Loom-workers in ſome Meaſure elude the Intent of the Acts of Parliament, made for encouraging the Conſumption of that Commodity. This Allegation might have had ſome Weight; but unfortunately for the Petitioners, it is not grounded on Fact. For the Loom-Manufacture does not elude the Intention of theſe Acts of Parliament, becauſe, though the Manufacturers indeed, make uſe of ſome Materials beſides Mohair and Raw Silk, yet when the Mohair and Raw Silk of an equal Number of Buttons are weighed, the Materials employed in the Loom exceed thoſe of the Needle-workers; and the other Materials employed in each Buton, are not ſo heavy as the Waſte of the Raw Silk and Mohair which the Loom Manufacturers are obliged to make. But, Sir, beſides this Anſwer drawn from a plain Fact, that appeared at the Bar of your Houſe; give me leave to ſay, that

that this Objection againſt the Loom Manufacture is a very ſtrong Reaſon that we ought to ſupport it; for, as the Intention of theſe Acts was to encreaſe the Conſumption of our Commodities, therefore, whatever beſt anſwers that Intention, beſt deſerves our Encouragement. Now, Sir, it appears that the Materials, beſides thoſe of Raw Silk and Mohair, made uſe of by the Loom Manufacturers, are the Produce of this Kingdom; it appears that their uſing them does not diminiſh the Conſumption of the other Commodities; and therefore it undeniably follows, that the Loom Manufacture is beſt calculated for anſwering the Intentions of the Legiſlature.

'Having thus, Sir, I think, obviated the principal Arguments in favour of the Bill, I ſhall now beg leave to put Gentlemen in Mind, that, by paſſing it, we ſhall do a Thing which I am ſure every Gentleman in this Houſe would willingly avoid. We make an Encroachment, Sir, upon the private Property of our Fellow Subjects. We deprive them of the natural Right which every Man, in a Land of Liberty ought to enjoy, of gaining Bread in an honeſt and lawful Way. Nay more, Sir, we give a total Diſcouragement to any future Improvement of Arts and Manufactures. How will it ſound, to After-Times, that in a Reign remarkable for the Encouragement of all the Arts, eſpecially thoſe of Commerce, a Britiſh Parliament, by one Act, prevented all future Improvement of any of theſe Arts: Let us not, Sir, draw upon us the Imputation of ſo much Barbariſm, let us not give our Neighbours ſo juſt a Handle of Reproach; but let us remember, that not only the preſent but future Ages are concerned in every Step of this Nature we ſhall make. Had our Anceſtors, Sir, diſcouraged the Improvers of Arts and Manufactures, they could have had no Title to the Gratitude of their Poſterity. And, Sir, give me leave to add, that in England the Advancement of the liberal, is but the Conſequence of the Encouragement given by the Legiſlature to the Improvement of the commercial Arts. In all Ages and Countries they have gone Hand in Hand, they have riſen and fallen with one another, and whatever has affected the latter, has always proved fatal to the former. Therefore, Sir, I am againſt our paſſing this Bill.'

The Queſtion being put, the Bill was rejected. Yeas 85, Noes 111.

April 13. Several Perſons were examined at the Bar of the Houſe upon the counterfeiting the Hands of ſome of the Members in Franks; and they owning the Offence, ſome of them were committed to the Cuſtody of the Serjeant at Arms, and others of them to Newgate.

Anno 11. Geo. II. 1738.

The Chair Debates upon printing the Proceedings of the House.

After which Mr. Speaker informed the House, that it was with ſome Concern he ſaw a Practice prevailing, which a little reflected upon the Dignity of that Houſe: What he meant was the inſerting an Account of their Proceedings in the printed News Papers, by which Means the Proceedings of the Houſe were liable to very great Miſrepreſentations. That he had in his Hands a printed News Paper, which contained his Majeſty's Anſwer to their late Addreſs, before the ſame had been reported from the Chair, the only Way of communicating it to the Public. That he thought it his Duty to inform the Houſe of theſe Practices, the rather becauſe he had obſerved them of late to have run into very great Abuſes; and therefore he hoped that Gentlemen would propoſe ſome Method of ſtopping it.

Sir William Yonge.

Sir William Yonge.

Sir,

'I am very glad you have mentioned this Affair. I have long looked upon it as a Practice very inconſiſtent with the Forms and Dignity which this Houſe ought always to ſupport; but ſince you have been pleaſed to mention this from the Chair, I muſt beg Leave to carry my Obſervations a little farther. I have obſerved, Sir, that not only an Account of what you do, but of what you ſay, is regularly printed and circulated through all Parts, both of the Town and Country. At the ſame Time, Sir, there are very often groſs Miſrepreſentations, both of the Senſe and Language of Gentlemen. This is very liable to give the Publick falſe Impreſſions both of Gentlemens Conduct and Abilities. Therefore, Sir, in my Opinion, it is now high Time to put a Stop to it. Not that I ſhould be for attacking the Liberty of the Preſs; that is a Point I would be as tender of as any Gentleman in this Houſe. Perhaps ſome Gentlemen may think it indeed a Hardſhip, not to be able to find their Names in Print, at the Head of a great many fine Things, in the monthly Magazines; but this, Sir, can never prevent Gentlemen from ſending their Speeches, if they pleaſe; it only prevents other Gentlemen from being miſrepreſented, as to what they ſay, which, Sir, I am ſure is what every Gentleman in this Houſe will wiſh for. Therefore, I hope Gentlemen will conſider of ſome Method of putting a Stop to this Abuſe, more effectual than we have fallen upon yet. There is, indeed, a Reſolution on our Journals, againſt printing or publiſhing any of the Proceedings of this Houſe, but by Authority of the Chair; but People had generally run away with the Notion, that this Prohibition is in Force only during the Time we are ſitting, and that as ſoon as the Seſſion ends, they are at Liberty to print and publiſh what they pleaſe: Therefore, I hope Gentlemen will come into a Reſo-

lution,

lution, for explaining that Matter; and if they do, I am very ſure that if it is broke through, I myſelf will move the Houſe, with the very firſt Opportunity, next Seſſion. But the Printers of the Papers, Sir, which you have in your Hands, cannot even plead the Excuſe of the Receſs of Parliament; therefore deſerve to be puniſhed; and if you do not either puniſh them, or take ſome effectual Method of checking them, you may ſoon expect to ſee your Votes, your Proceedings, and your Speeches, printed and hawked about the Streets, while we are ſitting in this Houſe.'

Anno 31 Geo. II. 1733.

Sir William Windham ſpoke next to the following Effect:

Sir,

Sir Will. Windham

'No Gentleman can be more jealous and tender than I have always been of the Rights and Privileges of this Houſe, nor more ready to concur with any Meaſure for putting a Stop to any Abuſes which may affect either of them. But at the ſame Time, Sir, I own, I think we ought to be very cautious how we form a Reſolution upon this Head; and yet I think it is abſolutely neceſſary that ſome Queſtion ſhould be formed. I ſay, Sir, we ought to be very cautious in what Manner we form a Reſolution; for it is a Queſtion ſo nearly connected with the Liberty of the Preſs, that it will require a great deal of Tenderneſs to form a Reſolution which may preſerve Gentlemen from having their Senſe miſrepreſented to the Publick, and at the ſame Time guard againſt all Encroachments upon the Liberty of the Preſs. On the other Hand, Sir, I am ſenſible that there is a Neceſſity of putting a Stop to this Practice of printing, what are called the Speeches of this Houſe, becauſe I know that Gentlemen's Words in this Houſe have been miſtaken and miſrepreſented: I don't know, Sir, but I have ſome Reaſon of Complaint myſelf upon that Head. I have, indeed, ſeen many Speeches of Gentlemen in this Houſe that were fairly and accurately taken; and no Gentleman, when that is the Caſe, ought to be aſhamed that the World ſhould know every Word he ſpeaks in this Houſe: For my own Part, I never ſhall, for I hope never to act or ſpeak in this Houſe, any Thing that I ſhall be aſhamed to own to all the World. But of late, Sir, I have ſeen ſuch monſtrous Miſtakes in ſome Gentlemen's Speeches, as they have been printed in our News Papers, that it is no Wonder if Gentlemen think it high Time to have a Stop put to ſuch a Practice.

'Yet ſtill, Sir, there are two Conſiderations, which I own weigh very much with me upon this Occaſion. That this Houſe has a Right to prohibit the Publication of any of its Proceedings during the Time we are ſitting, is paſt all Doubt, and there is no Queſtion, but that, by the Reſolutions

[illegible]

may

may be affected by it; for I don't know that any body would venture to publiſh any Thing that might bring upon them the Cenſure of this Houſe.

'In the mean Time, Sir, I am as willing as any Gentleman in this Houſe, that a Stop ſhould be put to the Practice you have taken notice of from the Chair. It has grown to ſuch a Pitch, that I remember ſome Time ago there was a publick Diſpute in the News Papers, betwixt two Printers or Bookſellers of two Pamphlets, which of them contained the true Copy of a certain honourable Gentleman's Speech in this Houſe. It is therefore high Time for Gentlemen to think of ſomewhat to be done for that Purpoſe, and I make no doubt but that any Reſolution this Houſe ſhall think fit to come to, will put an effectual Stop to it.'

Thomas Winnington, Eſq; ſpoke next.

Sir,

Thomas Winnington, Eſq;

'I do not pretend to know the Forms and the Powers of this Houſe ſo well as the honourable Gentleman over the Way, who has much more Experience in both than I can pretend to; but it is very ſurprizing to me, that any Gentleman ſhould ſeem to make a Doubt of the Power which this Houſe has during the Receſs of Parliament. It is true, we have no Power, but as a Houſe, to make any Commitment, or to paſs any Cenſure; but then it is as true, that the Orders and Reſolutions of this Houſe are, or ought to be, as binding during our Receſs, as during our Sitting. The Reaſon, Sir, of this is plain; becauſe we are ſtill the ſame Houſe, and we have the ſame Authority during our Adjournment or Prorogation, as when we ſit; our Privileges are the ſame, and for the ſame Reaſon our Acts ought to have the ſame Force too. Can any Gentleman doubt, that if this Houſe ſhall come to a Reſolution, that if any Perſon ſhould, during our Receſs, preſume to print any of our Proceedings, that we would not have a Right to puniſh him next Time we met together as a Houſe? I dare ſay, Gentlemen will not pretend that we have not; therefore, Sir, I hope you will come to ſome very ſtrong Reſolution upon this Occaſion. I hope ye will declare, that whoever ſhall preſume to print any Part of the Proceedings of this Houſe, during the Receſs of Parliament, will be equally liable to the Cenſure of this Houſe as if it were during the Seſſion.

'As to what the honourable Gentleman inſinuated about the Liberty of the Preſs being in Danger, it is a Conſideration I am in no Manner of Pain about. Our coming to a Reſolution, that we will not have what we ſay miſrepreſented, can never affect the Liberty of the Preſs. It is what every private Gentleman has a Right to require, tho' he were out of Parliament; for I believe no Gentleman

would

[illegible] There is an * [illegible] Gentleman near me, who knows that the History of a whole Parliament was once published in a [illegible] Pamphlet, and their Transactions set in no very favourable Light, for the Gentlemen who composed it. I never heard, Sir, that any succeeding House of Commons [illegible] honourable Gentleman, who was generally [illegible] the Author of it, was ever [illegible] in either House of Parliament. Parliaments, Sir, when they do amiss, will be talked of with the same Freedom, as any other Set of Men whatsoever. This Parliament, I hope, will never deserve it; but, if it did, I should be very sorry, that any Resolutions were entered into in order to prevent its being represented, in the present or the next Age, in its proper Colours. I am sure the honourable Gentleman who sits near me, will agree with me in this; and whatever the other House may do, Sir, I hope we never shall stretch our Privilege, so as to cramp the Freedom of writing on publick Affairs.

'But this Consideration, Sir, can never affect the Resolutions which Gentlemen propose to come to now. We have rather been too remiss in not putting a Stop to this scandalous Practice that has been complained of. I always thought that these Pamphlets containing our Debates were circulated by the Government's Encouragement, and at their Expence; for till the honourable Gentleman who spoke last save one

* *Meaning Sir Robert Walpole, who, it was said, in the Year 1713, wrote a Pamphlet entitled, a short History of the last Parliament.*

in

in the Debate, mentioned the Magazines in the Manner he did, I have been ſtill uſed to look on the publiſhing them as a miniſterial Project; for I imagined that it being found unpracticable to make the People buy and read the Gazetteer by itſelf, it was contrived ſo as that the Writings of the other Party, being printed in the ſame Pamphlet, it might be ſome Invitation to the Publick to look into the Gazetteer, and I dare ſay, Sir, the great Run which the Magazines have had has been entirely owing to this Stratagem. The Good and the Bad are printed together, and People are by that Means drawn in to read both. But I think it is now high Time, to put a Stop to the Effects they may have, by coming to a Reſolution that may at leaſt prevent any Thing being publiſhed, during the Time of our ſitting as a Houſe, which may be impoſed upon the World as the Language and Words of Gentlemen who perhaps never ſpoke them.'

Sir Robert Walpole ſpoke next:

Sir,

Sir Robert Walpole.

'You have with great Juſtice puniſhed ſome Perſons, for forging the Names of Gentlemen upon the Backs of Letters; but the Abuſe now, complained of is, I conceive, a Forgery of a worſe Kind; for it tends to miſrepreſent the Senſe of Parliament, and impoſe upon the Underſtanding of the whole Nation. It is but a petty Damage that can ariſe from a forg'd Frank, when compared to the infinite Miſchiefs that may come from this Practice. I have read ſome Debates of this Houſe, Sir, in which I have been made to ſpeak the very reverſe of what I meant. I have read others of them wherein all the Wit, the Learning, and the Argument has been thrown into one Side, and on the other nothing but what was low, mean, and ridiculous; and yet when it comes to the Queſtion, the Diviſion has gone againſt the Side, which upon the Face of the Debate had Reaſon and Juſtice to ſupport it. So that, Sir, had I been a Stranger to the Proceedings and to the Nature of the Arguments themſelves, I muſt have thought this to have been one of the moſt contemptible Aſſemblies on the Face of the Earth. What Notion then, Sir, can the Publick, who have no other Means of being inform'd of the Debates of this Houſe, than what they have from theſe Papers, entertain of the Wiſdom, and Abilities of an Aſſembly, who are repreſented therein to carry almoſt every Point againſt the ſtrongeſt and the plaineſt Argument and Appearances. However, Sir, as I believe Gentlemen are by this Time pretty ſenſible of the Neceſſity of putting a Stop to this Practice, it will be quite unneceſſary for me to argue a Point wherein we are all agreed. But I cannot help taking Notice of one Thing mentioned by the ho-

Anno 11 Geo. II. 1738.

nourable Gentleman who ſpoke laſt, ſince I was the Perſon to whom he was pleaſed to appeal. He mentioned, that the Hiſtory of a whole Parliament had been printed, and ſeemed to inſinuate from this, that People might make very free with Parliaments. Really, Sir, I will be ſo free as to own that I do know of ſuch a Pamphlet being printed; nay, I believe, I know a little of the Author, and the Publication. But at the ſame Time I know Sir, that, that was one of the worſt Houſes of Commons that ever this Nation ſaw; that they had a Deſign to introduce the Pretender; that they had approved of a ſcandalous Peace, after the moſt glorious War that was ever carried on; and had it not been for ſome very favourable Circumſtances that fell out, they would have ſet aſide the preſent happy Eſtabliſhment in his Majeſty's Perſon and Family. I hope, Sir, no Gentleman will find Fault with any Reflections, that could be thrown out againſt ſuch a Houſe of Commons: I hope likewiſe, that no Gentleman will pretend to draw any Parallels betwixt their Conduct and ours. But, Sir, beſides theſe Conſiderations, Gentlemen are to reflect, that the Parliament which was deſcribed in that Hiſtory, had been diſſolv'd before the Hiſtory itſelf was publiſhed. And not only ſo, Sir, but there is a noble Lord in the other Houſe, who can, if he pleaſes, inform Gentlemen, that the Author of that Hiſtory was ſo apprehenſive of the Conſequence of printing it, that the Preſs was carried to his Houſe, and the Copies printed off there.

'This, I think, Sir, will be ſufficient to ſhew, that the Author did not think himſelf quite out of Danger, even tho' the Parliament was diſſolv'd. But, I am not at all for carrying Things to ſuch a Length at preſent: It may be ſufficient, if we come to a Reſolution to prevent the Publication of any Part of our Proceedings during the Receſs, as well as the Sitting of the Parliament. As to what the honourable Gentleman ſaid, with regard to the Magazines being publiſhed and diſtributed by Order, and at the Expence of the Government, I don't know if he was ſerious or not. If he was ſerious, he muſt have a very contemptible Opinion of the Underſtanding of thoſe Gentlemen, who have the Honour to ſerve his Majeſty, if he imagines that they would be ſo weak as to propagate Papers, every Page almoſt of which hath a direct Tendency againſt their own Intereſt. If any Gentleman will take the Trouble, which I own I very ſeldom do, to look into one of theſe Magazines, he will find four Pages wrote againſt the Government for one that is in its Favour; and generally the Subject is of ſuch a Nature, as would be ſeverely puniſhed under any other

other Government than our own. If the honourable Gentleman was not ſerious, I think a more proper Time might have been choſen for ſhewing his Wit, than while we are conſidering of the Means of putting a Stop to a Practice, which he himſelf, and every Gentleman who ſpoke in this Debate, allows ſo nearly to affect the Dignity and Privileges of this Houſe. For my own Part, Sir, I am extremely indifferent, what Opinion ſome Gentlemen may form of the Writers in favour of the Government: But, Sir, I ſhall never have the worſe Opinion of them for that: There is nothing more eaſy than to raiſe a Laugh; it has been the common Practice of all Minorities when they were driven out of every other Argument. I never ſhall be afraid, Sir, to do what I think right, and for the Service of his Majeſty and my Country, becauſe I may be laughed at. But really, Sir, I will be ſo free as to ſay, that if the Want of Wit, Learning, Good-manners, and Truth, is a proper Object of Contempt and Ridicule, the Writers in the Oppoſition ſeem to me to have a much better Title to both than thoſe for the Government. No Government, I will venture to ſay, ever puniſhed ſo few Libels, and no Government ever had Provocation to puniſh ſo many. I could name a Government in this Country, Sir, under which thoſe Writings, which are now cry'd up, as founded upon the Laws, and in the Conſtitution, would have been puniſh'd as Libels, even by Gentlemen who are now the warmeſt Advocates for the Liberty of the Preſs, and for ſuffering the Authors of thoſe daily Libels that appear in Print to paſs with Impunity. But I ask Pardon for what I have ſaid that may appear foreign to the preſent Conſideration; I was led to it by what had been thrown out by the Gentleman, who ſpoke before.'

Then Mr. Speaker having drawn up the Queſtion, it was unanimouſly reſolved,

That it is a high Indignity to, and a notorious Breach of the Privilege of this Houſe, for any News-Writer, in Letters or other Papers, (as Minutes, or under any other Denomination) or for any Printer or Publiſher, of any printed News Paper of any Denomination, to preſume to inſert in the ſaid Letters or Papers, or to give therein any Account of the Debates, or other Proceedings of this Houſe, or any Committee thereof, as well during the Receſs, as the Sitting of Parliament; and that this Houſe will proceed with the utmoſt Severity againſt ſuch Offenders.

Friday, May 5th. Mr. Pulteney roſe and ſpoke as follows:

Sir,

Mr. Pulteney.

'The advanced Seaſon of the Year, together with the Apprehenſions of a Rupture happening betwixt Spain and

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ain Great-Britain, before our next Meeting, makes it neceſſary for us to enter into ſuch Meaſures as may render the War ſucceſsful on our Part. By the Reſolution which we have already come to this Seſſion, we have enabled his Majeſty to provide for War; we have aſſured our Readineſs to ſtand by him, in whatever Meaſures he may find neceſſary for vindicating the Honour of the Crown, and for procuring Reparation to his injured Subjects, and Satisfaction for the Injuries that have been put upon the Nation. At the ſame Time, Sir, theſe Reſolutions are upon the ſtricteſt Proof of an violent unjuſtifiable Conduct on the Part of Spain, and which, without a very ample Satisfaction on their Part, muſt unavoidably occaſion a War betwixt the two Nations before next Seſſion of Parliament.

'In the Event of a War, I believe, no Gentleman doubts but that it muſt be on our Part be a Sea War; and if it is a Sea War, we ought to purſue it by the proper Meaſures for annoying the Enemy as effectually as poſſible. In order to do this, we ought to conſult the Conduct of that wiſe Adminiſtration, which ſucceeded on the laſt great War in Europe. Their great Miſtake, Sir, found by Experience, that the Prize Officers, notwithſtanding all the Precautions taken to regulate them, were Diſcouragements to the brave Seamen who had ventured their Lives in their Country's Service: For when a Prize was brought in, the Commiſſioners of the Prize Officers, their Clerks, and the other Offices attending them, fell upon ſo many low Shifts to defraud the poor Sailors, firſt by deducting ſo much clear of the Prize for the Crown, then ſo much for their own Perquiſites, that I have many Times known a Prize bring the Captains into Debt to the Crown. For this Reaſon it was neceſſary in the 6th of Queen Anne, to paſs an Act for better ſettling the Trade of the Kingdom by Cruiſers and Convoys. By this Law, which was made only to continue during the War we were then engaged in, it was enacted, that if any Veſſel ſhould be taken by any Ship of War, or Privateer, and condemn'd as Prize, the Officers and Seamen concerned in taking her ſhould have the ſole Intereſt and Property in the Ship and Cargo ſo taken. By the ſame Act proper Methods were laid down for managing and diſpoſing of the Prize, and for dividing the Money ariſing from the Sale thereof among thoſe that had, and ought only to have a Right to it, without ſubjecting our brave and honeſt Seamen to the Fees and Perquiſites, and uſual Purloinings of a publick Office. And as a farther Encouragement for our Seamen to weaken and diſtreſs the Enemy, by ſeizing and taking their Ships, a Reward of five Pounds to be paid out of the publick Revenue was given to every Man that was on board ſuch Ships of War, or Privateer,

the Beginning of the Engagement; ſo that every had the Comfort to think, that if he was killed in ion, his Wife and Children, or his Executors, would of getting ſomething by his Death.

Anno 13. Geo. III. 1796.

t this Affair having been once brought under the Con- on of Parliament, even this Law was not thought ſuf- or the Encouragement of our Seamen, and for pre- the Abuſes that had been put upon them; and there- ir, another Act was paſſed the ſame Year, for en- g our Trade to America, by which it was expreſſly , That all Prize Offices ſhould be ſuppreſſed, and Officers and Seamen of every Ship of War ſhould e ſole Intereſt in all Ships and Goods, being firſt con- by the proper Court as lawful Prize. By the ſame was likewiſe enacted, that during the War, the dmiral, or Commiſſioners of the Admiralty, ſhould, Requeſt of any Britiſh Owner of any Ship, giving as uſual, except for Payment of the Tenth to the dmiral, grant Commiſſions to the Commanders of ips, for ſeizing Ships and Goods belonging to his 's Enemies in any of the Seas or Rivers in America: t the Ships and Goods ſo taken, after being adjudged hould be divided amongſt the Owners of, and Per- board the Ships that took them, according to the ent that had been made between the Owners and the rew. And in order to encourage private Men or , to be at the Expence of attacking and making the Enemies of their Country, it was by the ſame cted, that her Majeſty, during the War, might ommiſſions or Charters to any Perſons or Societies, g any Ships, Goods, Harbours, Lands, or Fortifi- f her Majeſty's Enemies in America, and for hold- enjoying the ſame as their own Property and Eſtate

all theſe Regulations, Sir, being determinable at of the War, they can at preſent be of no Manner to the Nation. However it is evident, that if we o any Thing effectual againſt Spain, theſe Regu- muſt be reviv'd; it is evident that if they are not re- ur Sailors, upon the Commencement of Hoſtilities, ſubjected to all the Inconveniencies which rendered g the two Laws, I have now mentioned, neceſſary. icers who muſt be concerned in the Prize-Offices, I believe, have as clammy Fingers as any of their ſors, and the brave Sailors be as much impoſed upon. r remedying theſe Inconveniences cannot be objected thoſe who wiſh this Nation no Succeſs in any Thing en for the common Good. I am indeed ſorry, that the

Regu-

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Regulations contained in the two Acts I have mentioned, were not made perpetual; which might then eaſily have been done, becauſe it might have been enacted, that they ſhould at the Beginning of every future War be revived by his Majeſty's Proclamation, and that they ſhould then continue in Force, till his Majeſty put a Stop to them by a new Proclamation: This, I think, Sir, was a Fault; and as we are now in Danger of being involv'd in a War before next Seſſion of Parliament, we ought therefore, in this Seſſion, to repair that Fault or Overſight, by enacting, that in caſe of a War with Spain, theſe ſeveral Regulations ſhould be revived. The Bill, Sir, which I intend to move for, is calculated for this and no other Purpoſe; for as it introduces no new Law, nor propoſes the eſtabliſhing any Regulations, of which we have had no Experience; as its only Intention is to revive ſome former temporary Regulations, that were found to be of great Advantage during the laſt War; it can occaſion no Jealouſy or Suſpicion in any Britiſh Subject, nor can it give Uneaſineſs to any Man that wiſhes well to Great Britain. It may indeed give ſome Uneaſineſs and Concern to the Court of Spain, becauſe it will convince them we are reſolved not to be put off any longer with tedious Negociations or ſham Treaties: That nothing will now prevail but granting us immediate and full Satisfaction: And that if we ſend out any more Squadrons, it will not be to pay them a Compliment, but to pour down the Vengeance of Great Britain upon them. This will be more effectual for preventing a War than all the Treaties which we have been puzzling out for theſe eighteen or twenty Years, and at the ſame Time be an Encouragement for our People at home, to contribute with Chearfulneſs their Proportion of the great Expences which the preſent Situation of Affairs requires.

'The other Arguments, Sir, which may be advanced to ſupport the Bill, which I intend to move for, will perhaps come more properly in another Time. At preſent I humbly move, that the ſixth and eighth Sections of an Act made in the ſixth Year of the Reign of Queen Anne, intituled *An Act for the better ſecuring the Trade of this Kingdom by Cruizers and Convoys*; and alſo the ſecond Section of an Act made the ſame Year, intituled, *An Act for the Encouragement of the Trade to America*, may be read.

The Queſtion being put, the ſame were read accordingly.

Sir Robert Walpole ſpoke next:

Sir Robert Walpole.

Sir,

'I believe Gentlemen will be pretty much diſappointed, when I aſſure them that I do not riſe up to oppoſe this Bill, hinted at by the honourable Gentleman who ſpoke laſt.

I

I am for my own Part perſuaded, when it comes before the Houſe, that it will appear a very improper Bill at this Juncture, and I will undertake to prove it ſo. I cannot however avoid taking notice how different the Time and the Manner in which the two Bills mentioned were brought in, is from the Time and Manner in which the honourable Gentleman propoſes to bring in his Bill.

'As to the Time Sir, the two former Bills were paſſed, after the Nation had been five or ſix Years in actual War; therefore neither we nor our Allies could ſuffer by any precipitate Declaration of ſuch a Meaſure as this is. By theſe Bills, Sir, we did not make one Nation in Europe our Enemy; we gave no Jealouſy to our Allies; we put the Crown under no Difficulties: But I ſhall ſubmit it to Gentlemen's Conſideration, how far it is poſſible to avoid theſe Inconveniences, ſhould ſuch a Bill paſs at preſent. It would perhaps, Sir, be looked upon as anticipating the Debate, ſhould I enter upon any Diſcuſſion of our preſent Situation at home and abroad. That is a Conſideration which will be much more proper when the Bill is brought before us. Thus much only I will venture to ſay, that I ſhall never be either afraid or aſhamed of oppoſing any Bill, which may tend to plunge this Nation into a ruinous and perhaps doubtful War.'

'Having ſaid thus much, Sir, with regard to the Timing of this Bill, give me leave juſt to touch upon the Manner in which it was brought in. I am old enough, Sir, to remember, that when the two Bills paſſed in the ſixth Year of Queen Anne for the Purpoſes mentioned by the honourable Gentleman, were brought in, the Crown had previouſly given up its Title to the Share which it claimed in the Prizes. We had likewiſe ſome Regard to the Rights of the Lord High Admiral. Gentlemen will conſider if we can properly bring in any Bill of this Nature, without ſome previous Steps of that Kind: However, as I am intirely ignorant of the Shape in which the Bill may appear, I ſhall not oppoſe its being brought in.'

Sir William Windham ſpoke next:

Sir,

Sir Will Windham

'The honourable Gentleman who ſpoke laſt, did not indeed oppoſe the Motion for bringing in this Bill, but he took care to let Gentlemen know that he thought it a very wrong Thing to bring it in at all. But I hope Gentlemen will not for all that be ſo far prepoſſeſſed againſt it as to think it a bad Bill, becauſe one Gentleman does not think it fit for his Purpoſe. As to what the honourable Gentleman ſaid about the Time in which this Bill is moved for; inſtead of being ſorry with him that it is too precipitate, I am ſorry we are ſo late in moving it. We are not indeed in actual War at preſent *with the* Spaniards, but I am very ſure they

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are at War with us, and have been ſo theſe twenty Years; therefore it is now high Time for us to ſhew them that we dare make War upon them.

'The honourable Gentleman's other Objection was to the Manner in which this Bill is to be brought in. I believe, Sir, it is as regularly moved for as any other Bill of the ſame or a like Nature ever was. We have indeed had no previous Notice from the Crown of a Ceſſion of its Right in the Prizes; but I apprehend there is no Occaſion for it, as will appear when the Bill is brought in. As to what the honourable Gentleman ſaid about the Crown's previouſly giving up its Share in the Prizes, if it is Fact, it diſcovered great Wiſdom and Honeſty in the then Miniſtry, in adviſing the Crown to ſuch a Ceſſion; but I apprehend the Ceſſion which the honourable Gentleman means, was no other than a Paragraph in a Speech from the Throne, three or four Years before the Acts from which you have heard the Paragraphs read were paſſed, and which I believe had no Weight with the Houſe of Commons which paſſed theſe Acts. The honourable Gentleman mentioned the Rights of the Lord High Admiral. If the Lord High Admiral has any Claim againſt this Bill, I dare ſay the Gentleman, in whom that great Office is now veſted, will take care that no future Lord High Admiral ſhall ſuffer for Want of an Oppoſition to any Invaſions upon his Rights: So I hope Gentlemen will not be amuſed by any Aſſertions or Inſinuations, as if this Bill were diſreſpectful to the Crown, or prejudicial to any of the great Officers; it can be of Prejudice to none but to thoſe who are ſo to the Nation.'

Motion by Mr. Pulteney for the Bill.

Mr. Pulteney then made a Motion, ſeconded by Mr. Sandys, that Leave be given to bring in a Bill for the more effectual ſecuring and encouraging the Trade of his Majeſty's Subjects to America; which was ordered accordingly, and Order'd, That Mr. Pulteney, Mr. Sandys, and the Lord Mayor of London do prepare and bring in the ſame.

The Bill preſented.

Monday, May 8. Mr. Pulteney preſented to the Houſe according to Order the ſaid Bill, and it was read a firſt Time.

Committed.

Tueſday, May 9. It was according to Order read a ſecond Time, and committed to a Committee of the whole Houſe for May 11.

Thurſday May 11. The Orders of the Day being read, it was reſolved,

Reſolution to commit it.

That this Houſe will To-morrow Morning reſolve itſelf into a Committee of the whole Houſe upon the Bill for the more effectual ſecuring and encouraging the Trade of his Majeſty's Britiſh Subjects to America.

The Commitment moved for by Mr Pulteney.

Friday May 12. About 12 o'Clock Mr. Pulteney moved for the Order of the Day, and was ſeconded by Mr. Sandys:

But

Anno 11 Geo. II. 1738.

But the Bill to empower the Lord-Mayor and Aldermen of the City of London to ſet the Price upon all Coals commonly called Sea-Coals, imported into the Port of London from Newcaſtle and the Ports adjacent thereunto, for one Year, having taken up a great deal of the Houſe's Time that Seſſion, Mr. Winnington, who was Chairman of the Committee, to which it was committed, oppoſed the ſame; upon which the Speaker ſaid:

Mr Winnington oppoſes it

'Gentlemen,

Debate upon Order The Chair.

'A Motion ſo unexpected as the preſent makes it difficult for me to determine in what Manner to behave: It has never been the Cuſtom in this Houſe to call for the Order of the Day till two o'Clock at ſooneſt, becauſe by that Hour Gentlemen are all preſent in the Houſe, and thereby have the fairer Opportunity of knowing the Senſe of the Houſe upon the Buſineſs of the Day: But as this Motion has been made by an honourable Gentleman, and regularly ſeconded by another, it is my Duty, if the Motion is not retracted, to take the Senſe of the Houſe upon it. And Gentlemen I hope won't be offended, if previous thereto I acquaint them with my Thoughts of the Matter. It is always my Cuſtom, Gentlemen, before I take the Chair, to digeſt in my own Mind the Manner in which the Affairs of the Day may be beſt carried on, both for the Eaſe of Gentlemen, and the Diſpatch of Buſineſs. Gentlemen know very well that this Day they are to have a Conference with the Lords about ſome Amendments to the Bill for the more effectual ſecuring the Payment of Rents to Landlords, and preventing Frauds in Tenants. As I believe the Conference will not continue very long, perhaps not half an Hour, and very little of our Time will be ſpent in the reporting it, I thought the moſt proper Way of proceeding on the Buſineſs of the Day, was firſt to conſider the Amendments of the Coal-Bill, then go to the Conference, and when Gentlemen are returned from the Conference, which may be about half an Hour after two o'Clock, to call in the Order of the Day, for which the preſent Motion is made. This, Gentlemen, is the Scheme which I had digeſted with myſelf, and I wiſh it may be agreeable to the Houſe.'

Mr. Pulteney.

Sir,

Mr Pulteney

'When I made the Motion, it was not with a Deſign to put the Houſe to any Inconveniences, or to interrupt the other Buſineſs of the Day. But ſince the Seſſion of the Parliament is now ſo far advanced, that, if I am rightly informed, it will continue but three Days longer; and ſince this Bill is of the greateſt Conſequence to the Trade and Welfare of the Nation; and if we do not go through it to-day in the

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Committee, it is in Danger of being dropped intirely, I thought it neceſſary to preſs the Conſideration of it. The Coal Bill, I know, though of leſs Importance, will, when we enter upon it, engroſs much of our Time, of which Part may be ſaved, by putting off the Report for a Day, becauſe Gentlemen will have Leiſure to concert the Amendments among themſelves, and the Houſe will perhaps eſcape the Trouble of a Debate. But the Bill in my Hands is of a different Nature; it is a Bill in which we are all equally concerned, a Bill for which the Publick is anxious, and which claims all the Attention we can give: Gentlemen can never be more uſefully employed than in ſeriouſly examining how it may be amended or altered, ſo as beſt to anſwer the Ends for which it is calculated. For theſe Reaſons, Sir, I ſhall beg Leave to inſiſt upon my Motion.

Mr. Winnington.

Sir,

Thomas Winnington, Eſq;

'I do not believe that there is a Gentleman in this Houſe who remembers a ſingle Inſtance of the Order of the Day being called for before two o' Clock. It has always been the Method of this Houſe to receive Reports before any other Buſineſs was engaged in; and I have now, Sir, in my Hand; the Report of a Committee upon the Amendments to a Bill, on which this Houſe has beſtowed more Time and Conſideration than upon any Bill that has been before it this Seſſion. I ſhall not diſpute the Importance of the Bill which the honourable Gentleman has in his Hand; but ſurely, Sir, Gentlemen have no Reaſon to complain of the Reception it hath yet met with from the Houſe. It has been twice read, and ordered to be committed in as ſhort a Time as any Bill could be, at the End of a Seſſion, and amidſt ſuch a Multiplicity of Buſineſs; it is therefore, Sir, I think, but reaſonable, that the Report I have in my Hand be now received, and that the Bill for which the honourable Gentleman intereſts himſelf, take its Turn in a regular Way.'

Upon this Mr. Speaker intimating as if it would be agreeable to him if the Motion was dropt, Mr. Pulteney ſaid,

Sir,

Mr Pulteney

'Tho' I might very well be excuſed from retracting the Motion I have made, yet your Judgment, Sir, ſhall always have great Influence with me. If therefore Gentlemen will be pleaſed to agree to your Propoſal, I am content that the Report which the honourable Gentleman has to make be now received.

No Reply being made to this, Mr. Winnington read the Report from the Committee on the Coal Bill, and the Houſe went thro' the firſt Amendment; which occaſioning ſome Debate, employed them till two o' Clock, the Hour appointed

ed for the Conference. In the mean Time, Sir Robert Walpole and many other Members coming into the Houſe, Mr. Winnington moved that the farther Conſideration of the Amendments ſhould be reſumed when the Conference was over. Upon this Mr. Pulteney roſe, up and ſpoke in Subſtance as follows:

Sir,

Mr. Pulteney. 'If there is either Faith, Honour, or common Juſtice amongſt Gentlemen, this Motion ought not be agreed to. I appeal, Sir, to every Gentleman who was in the Houſe, when I moved for the Order of the Day; if I did not retract my Motion, from a Deference to your Judgment, which influenced me to agree to what was contrary to my own. You was pleaſed, Sir, to inform us how you had digeſted the Buſineſs of the Day in your own Mind; and in conſequence of your Propoſal, we were, immediately after the Conference, to enter upon the Order of the Day. This Sir, I agreed to, and not one Gentleman expreſſed his Diſſent. With what Face then can Gentlemen make a Motion ſo contrary to what they agreed to ſcarce an Hour ago! This, Sir, is, I muſt own, a very extraordinary Manner of proceeding amongſt Gentlemen; and for that Reaſon, Sir, were it for no other, I hope this Houſe will never agree to ſo pernicious a Precedent.'

Mr. Winnington ſpoke next:

Sir,

Mr. Winnington. 'I do not know how juſt a Conſtruction the honourable Gentleman who ſpoke laſt has put upon your Words, but I am ſure I underſtood them in a Manner quite different from what he ſeems to have done. It never enter'd, Sir, into my Head, to think that we were to leave the Coal Bill abruptly, and not proceed again in it, when the Houſe comes from the Conference. I could wiſh indeed that Gentlemen had met with no Difficulties in the Amendments, that we might have gone into a Committee upon the honourable Gentleman's Motion, when we returned fom the Conference. But, Sir, as this is a Bill of very great Conſequence to the Cities of London and Weſtminſter, I hope Gentlemen will be pleaſed to conſider, that if they ſhould poſtpone it now, it perhaps may not be ready for the Royal Aſſent this Seſſion; and that before the next, Extortion may proceed to greater Enormities, and the Grievance become too heavy to be borne. A Man, Sir, muſt always be the beſt Judge of his own Intentions, and I declare I never had Intention of leaving this Bill unfiniſh'd, in order to proceed upon another, which, however fond ſome Gentlemen are of it, may perhaps, when carefully examined, not be found of ſuch Importance as they imagine.'

Several

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Several Gentlemen then declared that they apprehended the Houſe was to proceed upon the Coal Bill till the Time appointed for the Conference, and that when the Conference was over, they were immediately to reſolve into a Committee upon the Bill mov'd to be conſidered. At the ſame Time they called loudly upon the Chair to inform the Houſe, if that was not his Meaning? if he did not underſtand that it was upon that Aſſurance that the Motion made by Mr. Pulteney was retracted?

Mr. Speaker ſeeming unwilling to give any poſitive Deciſion, Sir Robert Walpole roſe, and ſpoke to the following Purpoſe:

Sir,

Sir Robert Walpole.

'I own myſelf a little unfit to ſpeak in this Debate, becauſe I was not preſent when the honourable Gentleman made the Motion that gave Riſe to it. But, I think, Sir, neither the honourable Gentleman himſelf who made the Motion, nor any of his Friends who have ſince given the Houſe their Senſe of the Matter, have affirmed, that the honourable Gentleman who oppoſed the Motion dropt one Word, from which it could be inferred that he ſhould be willing that the Houſe ſhould leave the Bill upon which we now are, without compleating it, in order to examine another Bill, only becauſe it is ſo much a Favourite of the honourable Gentleman who made the Motion, that rather than omit any Thing that could tend to promote it, he choſe to act in a Way ſomewhat dark, artful, and ſuſpicious, by moving for the Order of the Day at a very unuſual Time, when by the well-known Form of the Houſe, the Preference was to be given to other Buſineſs.

'This, among Gentlemen, is an uncommon Way of acting, and like gaining a ſtolen March upon a dreaded Adverſary.

'If, Sir, one Gentleman has a Fondneſs for a Bill which has, perhaps, coſt him ſome Trouble in preparing and bringing into the Houſe, ſure it is very reaſonable to indulge another Gentleman in the ſame Partiality for one that has coſt the Houſe ſo much Time and Trouble in examing, canvaſſing, and amending, as the Bill now under our Conſideration has done.

'For this Reaſon, Sir, I am for reſuming the Conſideration of this Bill, and when we have gone thro' it, I ſhall, with all my Heart, agree to our examining the other Bill, if the Houſe ſhall think proper. In the mean Time, Sir, I cannot ſee with what Reaſon the honourable Gentleman who made the Motion ſhould accuſe Gentlemen of Breach of Faith, Honour, and common Juſtice, for not underſtanding your Words in the very ſame Manner with himſelf: Nor indeed do I think a Matter of this Importance ought to have taken up ſo much of our Time: Nobody oppoſes our going into a Committee upon this Bill; only let us

do

› it at a convenient Time, without poſtponing other Buſineſs that ought to have the Preference. Therefore, Sir, I am entirely of Opinion, that we ought to reſume the further Conſideration of the Bill now before us.'

Mr. Pulteney.

Sir,

Mr. Pulteney.

' From what was laſt ſpoken, I can eaſily foreſee the Fate of the Bill I have now in my Hand: I can diſcern thro' all theſe thin Diſguiſes, that ſome Gentlemen have Recourſe to a mean Expedient to hinder us from conſidering a Bill againſt which no Shew of Reaſon or Argument can be advanc'd. I hate, Sir, all Expedients, and I diſdain all Miniſters who uſe them. Some Miniſters, Sir, there are, who live upon Expedients, and who cannot do their dirty Work without them. Expedients, Sir, in the Hands of weak Miniſters, are the Inſtruments of defeating the moſt beneficial and of promoting the moſt deſtructive Meaſures. Some Miniſters know, Sir, that the Bill for which I now ſtand up, is a Bill that leaves no room for cobweb Negociations, inconſiſtent Treaties, or mock Expeditions for the future; and that, Sir, is the Reaſon why this Method is made uſe of to undermine it. If I had been capable of acting as the honourable Gentleman who ſpoke laſt has ſuggeſted, I might have had many Opportunities of taking the Advantage of a thin Houſe, either to bring in or throw out Bills of the greateſt Conſequence. I appeal to every Gentleman who hears me, if it has not been many times in my Power to have dropt in, even upon a Land-Tax Bill, with half a Dozen of my Friends, and to have thrown it out. But, Sir, I have always diſdained theſe Arts. The Bill, Sir, for which I have laboured, will I hope, recommend itſelf to every Gentleman who has a juſt Senſe of his Country's Honour; and if it is decreed that it muſt fall to the Ground, I ſhall at leaſt have the Satisfaction of doing my Duty honeſtly as an Engliſhman and a Member of this Houſe. One good Conſequence I am perſuaded will attend it: My Countrymen will learn, by the Fate of it, what they are to expect; they will learn, Sir, whether we are tamely to ſubmit to Inſolence and Oppreſſions, or to ſeize the Means of redreſſing them.'

This Speech put the Houſe into ſome Confuſion, and being perſonally levelled againſt Sir Robert Walpole, he thought proper to make the following Anſwer:

Sir,

Sir Robert Walpole.

' Tho' the Manner in which the honourable Gentleman who ſpoke laſt delivered himſelf —— may well excuſe me from ſaying any Thing in anſwer to a Speech ſo very unparliamentary, and ſo very inconſiſtent with all the Rules of common Decency; yet I think I ought to ſhew ſo much Regard to the Houſe as to declare, that I abhor dirty

Expe-

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Expedients as much as the honourable Gentleman would be thought to do. As for his common-place Railing againſt Miniſters, it gives me very little Trouble, ſo long as I am conſcious I do not deſerve to have it apply'd to me. Were I ambitious of ſhewing my Wit, I might have a fair Opportunity of doing it by raiſing againſt Mock-Patriots as much as the honourable Gentleman has been pleaſed to do againſt corrupt Miniſters, and both perhaps might be equally inſtructive to the Houſe. But, Railing of all Kinds, Sir, has always been look'd upon as the laſt Expedient of diſappointed Ambition, and a poor Expedient it is. Were I one who for many Years had unſucceſsfully endeavoured, by all the Arts that Malice and Falſhood could ſuggeſt, to work myſelf into thoſe Poſts and Dignities that I outwardly affected to deſpiſe; I know not how far, Sir, my Temper might be lowered, as to make Uſe of ſuch an Expedient; but really, Sir, if I did, I ſhould make but a very poor Figure in the World. Why the honourable Gentleman ſhould ſuppoſe there was any premeditated Deſign in the Miniſtry to throw out his favourite Bill, I cannot comprehend. I believe every Gentleman here will in his own Mind acquit the Miniſtry of any ſuch Deſign, when he reflects upon the Circumſtance that gave Riſe to this Debate. For my Part, Sir, I doubt not but I ſhall be able, without having Recourſe to any other Expedient than Reaſon and Argument, to ſhew that the Bill for which the honourable Gentleman ſo earneſtly pleads is a very bad Bill; that it is a Bill with a ſpecious Title, but of a deſtructive Tendency. But, Sir, as it depends principally upon you to clear up the Facts that gave Riſe to this Debate, I ſhall take the Liberty to beg that you would inform the Houſe how the Matter ſtands, and for my own Part I ſhall very chearfully acquieſce in your Deciſion.

When Sir Robert ſat down, the Houſe almoſt unanimouſly cry'd out the, The Chair! the Chair! Upon which Mr. Speaker ſpoke to the following Effect:

Gentlemen,

The Chair.

'I am extremely ſorry that any Thing which fell from me ſhould have given Occaſion to a Debate of this Kind, and it is a very diſagreeable Buſineſs to be obliged to declare my Opinion in the preſent Caſe: However, Gentlemen, as you call upon me ſo loudly, and ſo unanimouſly to do it, I will, without Regard to any Perſons, or to any Diſtinctions, inform the Houſe of my real Sentiments. When I made this controverted Propoſal, I thought there was but very little to do in the Coal Bill, and that it might have been eaſily over before the Hour appointed for the Conference; and indeed I muſt, in juſtice to the honourable Gentleman who made the

the firſt Motion, declare, that as I underſtood it, he retracted his Motion upon the Suppoſition that the Houſe complied with the Terms which I propoſed. Theſe Terms were, that we ſhould, after the Conference was over, immediately go into a Committee upon the hon. Gentleman's Bill. As no Objection was made to what I ſuggeſted, either by the hon. Gentleman who made the laſt Motion, or any of his Friends, I did, indeed, take it for granted that the Terms of my Propoſal were actually agreed to. However, I ſhall be very proud, if what I am now going to ſuggeſt can contribute to make up this Breach. The Conference will probably be over in half an Hour, during which Time all Proceedings on Buſineſs in this Houſe are at a Stand, and Gentlemen may thereby have an Opportunity of preparing Matters ſo as to render it eaſy for the Houſe to diſpatch the Coal Bill in a very ſhort Time. I ſhall therefore take the Liberty to propoſe, that after Gentlemen are returned from the Conference, the Houſe ſhall proceed for half an Hour upon the Coal-Bill, and then reſolve into a Committee on the other. If the Coal-Bill cannot be diſpatched in half an Hour, I hope Gentlemen will be pleaſed to agree with our meeting To-morrow; and if they will come early, I believe we ſhall have Time enough for going through the Coal-Bill, and receiving the Report of the other Bill.

Upon this Mr. Pulteney roſe and ſpoke to the following Purpoſe'.

Sir,

Mr. Pulteney.

'I own the Warmth of my Temper tranſported me, when I ſpoke laſt, into ſome Expreſſions, for which I am now very ſorry. But what Man, treated as I was, could have avoided ſome Exceſs. As you, Sir, have been ſo candid as to inform the Houſe of the Truth of the Matter, and ſo kind as to propoſe the Method of our Proceeding, I entirely agree with your Propoſal. I hope it is fully underſtood by Gentlemen, and that there will be no Miſtakes about it when the proper Time comes.'

There being no Objection made to this Propoſal, the Names of the Gentlemen appointed to manage the Conference were called over, and after they had been gone about half an Hour, they returned; upon which every Thing was carried on according to what Mr. Speaker had ſaid.

After the firſt reading the Bill, Sir Robert Walpole ſpoke as follows.

Sir,

Sir Robert Walpole.

'I don't riſe up now to give my Negative to the Bill before us; I only intend at preſent to throw out a few Inconveniencies that to me appear to lie

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againſt it, which, upon our farther Progreſs, may be worthy Conſideration. At the ſame Time I own myſelf to be under great Difficulties. On the one Hand, ſhould I vote for Meaſures, that muſt either inevitably plunge us into an expenſive and an uncertain War, or make the Concluſion of a ſafe and honourable Peace more difficult, I ſhall act contrary to my own private Opinion, contrary to the Duty I owe to his Majeſty from the Station I have the Honour to poſſeſs in his Councils, and contrary to what I owe my Country from the Seat I have in this Houſe. On the other Hand, I am too ſenſible of the many Violences committed, and Seizures made by the Spaniards, to oppoſe any Thing that carries a Probability of contributing to the Satisfaction which is due to our injured Merchants, to the Honour of the Nation, and the Dignity of the Crown of Britain. I ſhall therefore take the Liberty to ſtate ſome Difficulties that in my Apprehenſion lie againſt paſſing the Bill now before us. And that I may do it the more diſtinctly, I ſhall conſider this Bill as conſiſting of three different Parts, and give the Houſe my Thoughts, ſuch as they are, with regard to each of them.

'The Bill, Sir, has, I muſt acknowledge, a very popular Title: It is called, *A Bill for the more effectual ſecuring the Trade of his Majeſty's Subjects in America*; but to me it ſeems to have a direct Tendency to deſtroy it. By the firſt Clauſe, Sir, the Property of all Captures made when we come to an open Rupture with Spain, is to be veſted in the Perſons of the Captors. The ſecond Clauſe gives five Pounds to every Sailor in his Majeſty's Navy, who ſhall be on Board a Ship of ours, that ſhall take an Enemy's Ship on the open Seas: And by a third Clauſe his Majeſty is to be impowered to grant his Letters Patent, for incorporating Societies for making Conqueſts of any City, Town, Fort, Lands, Settlements, Factories, &c. of the Spaniſh Dominions, and for aſſuring the Property of any Place taken to the Societies that may be concerned therein.

'By the firſt Clauſe I have mentioned, if all the Spaniſh Plate-Ships ſhould be taken by our Fleet on their Return from, or in the Harbours of America, that immenſe Treaſure becomes the Property of our Officers and Seamen. I believe, Gentlemen need not to be told that the Spaniards have not the Property of one fifth Part of the Riches which are yearly brought home in their Plate-Ships; the far greateſt Part of the Cargo belongs to other Nations, who are in Friendſhip and Alliance with us. Theſe Riches, Sir, were put on Board the Spaniſh Ships, in full Faith and Confidence of our Friendſhip. The Owners of them are no ways engaged in our Quarrel, nor have we ever received from them any

any Provocation. Now, Sir, I ſhall be glad to know how it would ſound, if upon a Rupture with Spain, the Fleet of Britain ſhould ſeize upon the Wealth of her Friends and Allies, who had ſhipped it on Board the Spaniſh Ships in the full Faith and Aſſurance of Friendſhip; and what muſt be the Conſequence of ſuch Seizure, ſhould it, by our paſſing this Bill, be put out of our Power to make them any Reſtitution.

'Sir, when I have ſaid all this, I am far from thinking that we are not a ſufficient Match for the Spaniards, or if the preſent Differences ſhould come to an open Rupture, that we ſhould not be able to force them ſoon to do us Juſtice. But give me leave, Sir, to ſay, that I think we are not a Match for the Spaniards and French too. Every Body knows that the Share which the French have in the Spaniſh Plate Ships is very conſiderable, and this being ſo, there is no Room to doubt but as ſoon as it is known at the Court of France, that we have a paſs'd a Bill to give to our Officers and Seamen, that Treaſure which ſhe thought ſo well ſecured by her Friendſhip with us, ſhe will immediately determine herſelf with regard to the Part ſhe is to take in this Quarrel; but it is preſumed, that the Determination will not be in our Favour. The Manner in which ſhe will naturally reaſon on our paſſing this Bill, will be thus: 'I had 'reſolv'd to ſtand Neuter in this Quarrel betwixt Spain and 'Britain, as their Differences did not affect my Intereſt. 'But now the Caſe is altered. I have a very great Property 'at Stake, and I muſt take effectual Care to ſecure it. This 'I can only do, either by infeſting the Coaſt of Britain, and 'thereby forcing her to accept of what Terms I ſhall pleaſe 'to impoſe, or by ſending out a Squadron of Men of War 'to protect the Spaniſh Plate Ships.' In this Manner, Sir, we may be aſſured, the Court of France will reaſon; in one or both of theſe Ways will ſhe naturally act, if we ſhould paſs the preſent Bill into a Law; and in that Caſe I ſhould not at all be ſurprized to ſee the next Spaniſh Plate Fleet come Home under a French Convoy. This, Sir, I think, is a prudential Conſideration, why we ought not, but after maturely weighing the Conſequences, to agree to the paſſing this Bill. But there are other Reaſons of a different and a more domeſtick Nature, that ought to make us ſtill more cautious in every Step we take in this Affair. As the Law already ſtands, Sir, his Majeſty may diſpoſe of Captures made in the Time of War in what manner he thinks fit; and there are many Inſtances of this Houſe addreſſing the Prince on the Throne to grant them to the Officers and Seamen concerned in the Captures. Such Grants, Sir, have never been refuſed, when ſo apply'd for, and Captures were ſcarce ever otherwiſe diſpoſed of. An honourable Gentleman in this

Houſe, I believe, if he pleaſes, can inform you that while he commanded a Squadron of our Ships during the laſt War with Spain, a Letter came from a Duke, the then Secretary of State, by which Letter his Majeſty gave up all his Right to ſeveral Spaniſh Ships taken as Prizes in the Mediterranean, in favour of the Officers and Sailors who took them. And, Sir, we have not the leaſt Reaſon to ſuſpect that our Seamen would meet with leſs Encouragement under his preſent Majeſty, than they have done under his Royal Predeceſſors. I think therefore it would be very unadviſable to engage in ſuch Meaſures, as would, perhaps, put it out of his Majeſty's Power to obtain Reparation of our paſt Injuries, or Security for our future Commerce. Nor can I ſee, Sir, the leaſt Reaſon why you ſhould put that in your Statute Book, which you before had upon your Journals.

'I ſhall proceed, Sir, to the ſecond Conſideration, and I hope I may, without Offence, be allowed to become an Advocate for our injured Merchants. I repeat it, Sir, — an Advocate for the Merchants! of whoſe Intereſt, however, I have been miſrepreſented, I am as tender as the warmeſt Friend they have. My Concern for them, Sir, is leſt they ſhould ſuffer more from us, if we paſs this Bill, than they have ſuffered from the Spaniſh Guarda Coſta's. I dare ſay the Honourable Gentleman who brought in the Bill, did not conſider the Loſs our Merchants may ſuſtain by the Share they have in the Aſſurance made on the Cargoes of theſe Plate Ships. There is ſcarce any Nation in Europe whoſe Merchants have not Effects on board the Plate Ships, and which they do not take care to inſure either with our Merchants or the Dutch. Hence it is, Sir, that they become accountable for the Damages theſe Ships ſhall receive by Storms, by Enemies, or by other Accidents.

'I will ſuppoſe, Sir, all Commerce to be already broken off with the French, by the Meaſures I have demonſtrated they muſt naturally take on our paſſing this Bill: But will our Inſurers be thereby free from indemnifying their Loſſes on our taking the Spaniſh Plate Ships? I believe not Sir; but if they were, I may venture to ſay, that the Merchants of other neighbouring Nations, will have a Claim upon our Inſurers for greater Sums, than Their Loſſes by the Spaniſh Depredations can amount to. Beſides, Sir, can we ſuppoſe the States General will be well pleaſed to find ſuch large Demands made on their Inſurers? The Dutch have certainly ſuffered much by the Spaniards, tho' perhaps they have not had ſo many Ships ſeized as we have; they can claim the ſame Right to Redreſs as we do, and if they pleaſe may purſue the ſame Meaſures for obtaining it; but, we find, we wait the Reſult of our Councils. If the Meaſures we

ſhall

I take carry a Probability of procuring Satisfaction for paſt, and Security for the future, we need not doubt of r Concurrence and Aſſiſtance; but if we purſue Meaſures ch may render the Remedy worſe than the Diſeaſe, we t never imagine that any Nation will determine themes againſt their own Intereſt.

I ſhall next proceed to another Argument, drawn, Sir, n a Conſideration of the Treatment which our Merits now reſiding in Spain, and other Places under c Crown, may receive, and of what will be the Fate all our Ships which ſhall be found in any of its Ports, en it comes to be known that this Parliament has ſed the Bill now before us. What may be the Value of Merchants or Ships in their Ports, I do not pretend to ow; but I believe I may ſafely ſay, that the trading Part his Nation would have Reaſon to regret our taking a p, that would be no ſooner known at the Court of *Spain* o would no doubt have more early Information of it than Merchants themſelves) than every Shilling of their Effts would be ſequeſter'd, and every Ship they have in ſe Parts ſeized on. I know, Sir, it may and probably be objected by ſome Gentlemen, that as this Affair has n long in Agitation, the Merchants by this Time are preed for the worſt, and have found means to ſecure their Effts ſo well in thoſe Parts, as to render it impoſſible for the vernment to diſcover them. But, Sir, though this might done in a free Country like ours, where the Laws admit no Racks or Wheels to extort a Diſcovery of that Kind, who can tell what Methods may be uſed in a Country re Liberty is not ſo well underſtood, and whoſe Prince ſolute? There is no Gentleman more zealous for the our of this Nation than I am, or more ready to concur every Meaſure for aſſerting it: But, Sir, we are to reſt that other Nations may be as tender in that Point as e. Thoſe who have Occaſion to be much about the s of Princes know very well how jealous they are on ead, and apt to take Fire at every Thing that ſeems ect their Honour; ſhould we, at the very Time his Majeſty has renew'd his preſſing Inſtances the Court of Spain, paſs this Bill into a Law, we can have any Anſwer from that Court, there t Reaſon to believe, that his Catholic Majeſty will pon it as the higheſt Indignity that can be offered nd may proceed to ſuch Extremities as muſt render it ible for us to obtain Satisfaction for our injured Mer- any otherwiſe than by War, the Event of which is doubtful. We have already ſtrengthened the Hands Majeſty by promiſing to ſtand by him in every Meaſure

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ſure he ſhall take for obtaining a full Satisfaction for the Loſſes of our Merchants: His Majeſty, in Conſequence of that Addreſs, has given Orders to his Miniſters at the Court of Madrid, to make the ſtrongeſt Inſtances for obtaining this Satisfaction; and there are very good Grounds to believe that when his Catholic Majeſty ſees with how much Zeal and Unanimity we have already acted in this Affair, it will be the ſtrongeſt Motive to him for granting it. On the contrary, ſhould we paſs the preſent Bill into a Law, we muſt make one half of Europe either open Enemies or at very cold Friends. What will be the Conſequence of this, but playing the Court of Spain's Game? This is the Thing in the World ſhe moſt wants; and though ſhe were otherwiſe diſpoſed to give us the deſired Satisfaction, ſhe will at leaſt inſiſt upon her Right of ſearching our Ships in their Seas; ſhe will inſiſt upon a fuller or clearer Proof of the Juſtice of our Merchants Complaints than ſhe can have from this Place: After they are proved ſufficiently to ſatisfy all the reſt of the World, ſhe will inſiſt upon our Ships being lawful Prizes, by having on board contraband Goods. This, Sir, no doubt will be her Language, when ſhe finds that ſhe is to be ſupported by other Powers. And then what Proſpect can we have of being redreſs'd? But now, Sir, ſhe finds by herſelf, ſhe finds that we are in earneſt, that we are not to be trifled with, and that we are prepared to uſe other Arguments beſides Remonſtrances. In this Situation ſhe will be glad to treat on reaſonable Terms; but if ſhe will pretend to dictate.

'I know very well, Sir, that Bills have paſſed with Clauſes of this Nature. One, I think, paſſed in the ſixth Year of Queen Anne, and I believe that I myſelf voted for it. But that Bill was brought in after the War was begun, when it was impoſſible that any of our Friends or Allies ſhould oppoſe its paſſing, and when no Treaty of Accommodation was on Foot: But, Sir, the very Reverſe happens to be the Caſe at preſent.

'By this Bill, Sir, all Prizes taken from the Spaniards after the Declaration of War, are to be given to the Officers and Seamen preſent in the Action. Now, Sir, I think it will be proper to obſerve, that of late moſt Wars have been declar'd from the Mouths of Cannons, before any formal Declaration; and, Sir, it is very probable, that if we are obliged to come to an open Rupture with Spain, the firſt Declaration of War made on our Parts will be from the Mouth of our Cannon. In this Event, Sir, I ſhould be glad to know of any Gentleman, what Time our Allies can have to withdraw their Effects? or where the Juſtice will be of our ſeizing them, or putting it out of our own Power when ſeized, to make Reſtitu-

Reſtitution? while at the ſame Time they depend on the Friendſhip and Alliance ſubſiſting between them and us. By the Bill in its preſent Shape, Sir, only fourteen Days are allowed, and if our Ships ſhould after that Time meet with a Spaniſh Ship it is Prize. For this Reaſon, Sir, I think, in common Juſtice, we ought at leaſt to give our Allies fair Warning. This Bill, therefore ſhould not take Effect till a reaſonable Time after an open Rupture betwixt us and Spain, that our Allies may know what to expect, in caſe any of their Goods are found on Spaniſh Bottoms. For, Sir, there is no Doubt, when we enter into an actual War with Spain, the French and all other Nations will be very cautious in what Manner they truſt their Effects on board the Plate Ships. Beſides, Sir, there is another very material Difference betwixt this Juncture, and thoſe wherein Bills have paſſed with Clauſes of the like Nature with that under our Conſideration. When the Bill I have laſt mentioned was brought in, both the Dutch and we were in actual War with France, and with the preſent King of Spain, in whoſe Hands the Spaniſh America then was; ſo that we made no more Enemies than before, nor had we any fewer Friends. The Wealth of the Spaniſh Weſt-Indies was at that Time the Sinews of the French Power: We knew, if we could once cut off that Communication, we ſhould diſable him from carrying on the War. It was therefore a prudent and neceſſary Step in us to animate our Seamen by all the Encouragement we could poſſibly give them. But I believe, Sir, no Gentleman will affirm that Juncture and the preſent to be parallel.

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'As to the Clauſe for granting Head Money to our Sailors, I look upon it in a very different Light from the former. I think it is extremely proper and reaſonable, that our Sailors, in caſe of a War, ſhould have ſuch an Encouragement, and ſhall be very glad to concur with any Motion for that Purpoſe. It cannot be expected, Sir, that Men ſhould encounter Danger without a Proſpect of Reward, or ſo boldly face Death for common Wages. I think Frugality in this Caſe is very improper, and am in this Point intirely of the Opinion with the honourable Gentleman who brought in the Bill.

'I ſhall proceed therefore to the third and laſt Head I propoſe to ſpeak to; namely, the veſting the Property of the Places which ſhall be taken from the Spaniards, in the Perſons of thoſe who ſhall take them. To this Clauſe, Sir, I cannot aſſent, becauſe I am equally againſt whatever may obſtruct the Concluſion of a ſafe and an honourable Peace, as againſt what may plunge us into an unequal War. I believe, Sir, there are very few Inſtances of any Peace being

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being concluded of late between the Powers of Europe, by which all Conqueſts of the Territories of either Party made during the Time of the War, were not mutually given up. Should we enact ſuch a Clauſe in favour of private Perſons, and if in Conſequence of that Clauſe any Conqueſts were made, we muſt be reduced, when a Treaty is ſet on Foot, to the Dilemma either of throwing in an inſuperable Obſtacle to the Concluſion of a Peace, or of committing an Injuſtice to private Perſons by depriving them of their Property.—'Tis true,——it is poſſible that theſe Perſons may be ſatisfied with an Equivalent, and it is as true that poſſibly they may not: But ſuppoſe they ſhould be ſatisfied, it is to be preſumed they will make the beſt Bargain for themſelves they can, and inſiſt upon Terms which may greatly diſconcert the Meaſures that the treating Powers might otherwiſe concur in. This, I ſay, muſt very much perplex, if not utterly break off, any Negociation. It is not to be expected that thoſe Proprietors are to be indemnified by the King of Spain; that Prince's Miniſters will inſiſt upon a Reſtitution, without having any Regard to the Right of Conqueſt, which our Subjects may plead, or the Difficulties our Crown will have to recover theſe Conqueſts to herſelf before ſhe can reſtore them. So that, Sir, ſhould we enact this Clauſe, we do a Thing that muſt at leaſt very much embarraſs all future Negociations for Peace, or put the Crown to a very great Expence. The Difficulties Sir, that lie againſt this Clauſe, are greater, with regard to Spain, than any other Country in Europe; ſince it is provided by ſeveral ſolemn Treaties, that no Part of the Spaniſh Dominions, as then poſſeſſed by that Crown, ſhall be alienated or diſmembered from her Monarchy; and we know what Uneaſineſs ſhe has given us in our Poſſeſſion of what we paid ſo dearly for, and which has been ſo often confirmed to us. For theſe Reaſons, Sir, I think that our paſſing this Clauſe would be putting his Majeſty to a future Inconvenience, and in ſome Meaſure bind up his Hands from making that ſafe and honourable Peace which we all ſo much deſire. The Crown of Britain has an indiſputable Right to make Peace and War, and in my Opinion it is a juſt Right, and advantageous to the Subject. But, Sir, we ought to throw no Obſtacles nor Difficulties in the Way, that may diſtreſs the Crown in the Execution of this Right, or prevent the Concluſion of a Peace conſiſtent with the Safety of the Subject and the Honour of his Majeſty.

'I have now, Sir, gone thro' a few of the many Objections to this Bill: I have ſtated my Difficulties, and ſhall be glad to have them removed. I know, Sir, under what Diſadvantages I ſpeak, and how ready ſome are, in the preſent Caſe,

Caſe, to interpret the leaſt Caution, however reaſonable, as Coldneſs and Indifference. Anno 11 Geo. II 1738.

'I know how unpopular every Argument is on the Side of Peace; and I likewiſe know, that every thing that comes from a Miniſter that has a Tendency that Way, is looked upon as proceeding from his Fear of a War. I have been long uſed to bear theſe Reflections; but I have always diſregarded a Popularity that was not acquired by a hearty Zeal for the publick Intereſt; and I have been long enough in this Houſe to ſee that the moſt ſteady Oppoſers of Popularity, founded upon any other Views, have lived to receive the Thanks of their Country for that Oppoſition. The Experience, Sir, of this, has often encouraged me to oppoſe popular Meaſures when they were wrong, and ſometimes to promote unpopular ones, if they were right. The Experience of this, Sir, has made me lay before you my Objections with regard to the paſſing the preſent Bill. But at the ſame Time, Sir, I am as much againſt throwing cold Water upon the Zeal which this Houſe has ſhewn with regard to the Inſults offered to our Country, as any Gentleman here: Nay, Sir, give me leave to ſay, that my own Intereſt is concerned, and, had I no other, is a ſtrong Motive for our doing every Thing that can procure us juſt Satisfaction. I know, Sir, how far Miniſters are accountable for the Counſels they give their Sovereigns, and how far this Houſe in former Times looked upon them as anſwerable for the Conduct of the Sovereign, and I think, Sir, they ſhould be anſwerable.—'Tis but a mean Excuſe for a Miniſter, when any wrong Step is made in Government, that he is not accountable for the Events of Meaſures that never were adviſed by him, and in which he was over-ruled by his Superiors. I have always diſdained theſe mean Subterfuges; and with what Face can I again appear in this Houſe, if full and ample Satisfaction is not made us, or at leaſt, if we don't do our utmoſt to obtain it; either by fair and peaceable Means, or by exerting all our Strength in caſe a War becomes neceſſary. If my Country ſhould call me to an Account, I would very willingly take upon me the Blame of every Step that has been made by the Government, ſince I had the Honour to enter into the Adminiſtration. As to the common Notion of a Miniſter's being afraid to enter into a War, I do not underſtand upon what it can be grounded. For my Part, I never could ſee any Cauſe, either from Reaſon or my own Experience, to imagine that a Miniſter is not as ſafe in Time of War, as in Time of Peace. Nay, Sir, if we are to judge by Reaſon alone, it is the Intereſt of a Miniſter, conſcious of any Miſmanagement, that there ſhould be a War; becauſe

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by a War the Eyes of the publick are diverted from examining into his Conduct; nor is he accountable for the bad Succeſs of a War, as he is for that of an Adminiſtration.

'I remember, Sir, when I was a young Man, nothing gave me a greater Pleaſure than voting for a War with France; I thought that it ſounded well, that it was heroic, and for the Glory of my Country. But, Sir, how fatal in ſome Reſpects have the Conſequences of that War, juſt and neceſſary as it was, been to Britain? I little dreamt that at this Day we ſhould by Means of that War be groaning under ſuch a Load of Debts. I little dreamt, Sir, that the noble Reſolution the Parliament then made was to coſt us ſo dear, or that we were to purchaſe our Glory at an Expence, which after ſo many Years, would render it extremely inconvenient for us to enter into any, even the moſt neceſſary, War. For which Reaſon, Sir, tho' I am as abſolutely bent upon a War as any Gentleman, if Satisfaction cannot be obtained by other Means; yet I think it would be very imprudent for this Houſe to take any Steps that may prevent the Concluſion of a ſafe and honourable Peace. This Bill, in the Views I now have of it, muſt be attended with that Effect; and tho', as I ſaid before, I ſhall not give it my abſolute Negative, yet Gentlemen muſt excuſe me, if it does not meet with my Concurrence till I hear the Reaſons anſwered which I have advanced againſt it.'

Several other Speeches were made on this Occaſion, particularly one by Sir Robert Walpole: But as we have already given the Subſtance of it (ſee Page 283) we ſhall proceed to that delivered by Mr. Pulteney.

Sir,

Mr. Pulteney.

'This Bill is in every Part ſo evidently calculated for the Ends propoſed by it, that I am greatly ſurprized that the honourable Gentleman who firſt ſpoke againſt it, and who, by his ſingle Diſapprobation, has raiſed all the Oppoſition it has met with, can ſee the Clauſes he objects to in ſo diſadvantageous a Light. I am perſuaded, if Gentlemen had ſeriouſly reflected on the Deſign and natural Conſequences of ſuch a Bill, they would have ſpared their Objections. The principal End, Sir, propoſed by it, is to prevent a War; and the Way to obtain this End, is by a public Act of the Legiſlature to make it known to all the World, that we have raiſed the Ardour, and encouraged the Hopes of our Seamen; that we have animated all our Fellow-Subjects (in caſe a Peace is refuſed) to diſtreſs the Enemy by ſeiſing their Wealth and Poſſeſſions, and conſequently diminiſhing their Power. All the Arguments therefore brought againſt the Bill, on the Suppoſition that it will tend to plunge us into a War,

a War, are drawn from wrong Concluſions. Inſtead Sir, of precipitating us into a War, this Bill muſt haſten on a Peace. By it we are aſſiſting the Miniſtry; we are ſtrengthening their Hands; we are giving Weight to their Negociations; we are letting Spain ſee that we are in earneſt to ſecure our Rights by a ſafe and an honourable Peace, or to vindicate them by a vigorous War. In a Word, Sir, if the warmeſt Friend of the Miniſtry, — if the honourable Gentleman who ſits near me, had himſelf been forming Meaſures to procure a Peace, they could not have thought on a more ready and a more effectual Expedient than this Bill.'

When the Bill was committed, they received a few Alterations, particularly the 14 Days, the Time limited for the Committment of the Bill from the Declaration of War, was prolonged for two Months after ſuch a Declaration, if any ſhould happen: This being the only material Objection in the Committee to the Bill, the Queſtion was put upon the Bill, as it ſtood amended, and was carried in the Affirmative, with only one Negative, which was that of Sir Robert Walpole. The Bill being engroſſed, it was read for a third Time, on the 15th of May: The Queſtion being put, a long Debate aroſe; in which the principal Speakers, and their Arguments, were as follow.

Henry Fox Eſq;

Sir,

Henry Fox Eſq;

The Bill now under our Conſideration, is in my Opinion of the greateſt Importance; greater perhaps than Gentlemen commonly apprehend. The Queſtion with me, is not whether ſuch or ſuch Clauſes of the Bill are proper for our Aſſent; but, whether this is a proper Time for paſſing ſuch a Bill. Were we in an actual War with Spain, I don't deny but that there are ſeveral Clauſes in this Bill, which might very much conduce towards rendering it ſucceſsful on our Parts. But, Sir, as his Majeſty has not thought fit to declare that Matters are come to ſuch an Extremity, as to render it impoſſible to make up Matters without our entering into a War, I ſhould think it extremely imprudent in us, to uſurp that Part of the Royal Prerogative, which in Effect we do, ſhould we paſs this Bill into a Law. An honourable Gentleman near me the other Day, I think, prov'd to Demonſtration, that the paſſing of this Bill in any Shape, at this Juncture, muſt greatly alarm, not only the Spaniards and the French, but even our moſt favoured Allies. Nay, more than that, Sir, our own Merchants, I am afraid, would in Caſe of an immediate Rupture with Spain be the greateſt Sufferers. This, Sir, muſt happen, not only by the great

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Inſurance, which has in this Country been made upon thoſe Effects, which poſſibly may fall into the Hands of our Privateers and Ships of War; but by the Concerns they have with the Dutch, the French, and all other European Nations. Commerce is of a very delicate Nature, and whatever affects too ſenſibly one part of the trading Intereſt, muſt neceſſarily affect the whole. Therefore, Sir, I think it would be highly improper for us to paſs a Bill, that muſt give ſuch a Shock, as our paſſing this Bill at this Juncture muſt certainly do. If the Inſtances of his Majeſty for a fair and honourable Peace ſhould be ineffectual, it is very probable that ſuch a Bill will be then thought of. But we ought by no means to anticipate the Rupture, by doing any Thing that may render it unavoidable. I ſhall not trouble the Houſe farther at preſent; other Gentlemen, I dare ſay, will ſpeak more fully upon the Queſtion; but, I thought my bare Negative was not ſufficient upon this Occaſion, without my ſhewing publickly how heartily I am againſt our paſſing this Bill.'

George Wright Eſq;

George Wright Eſq; Member for Leiceſter, took notice, among ſeveral other Things, that Gentlemen were very apt to attribute the Spaniſh Depredations in America, to the whole Nation of Spain; that they talk'd as if theſe Depredations had been authorized, or at leaſt approv'd of by the Government of that Kingdom. Whereas, it did not yet appear, that the Government had ſo much as conniv'd at any of them. Nor had the Court of Spain, as yet, refuſed to order Reſtitution in any one Caſe, where the Seizure had been made appear to be unjuſt. That there was therefore Room ſtill left for Negotiation; and that if we could obtain by peaceable Means, the utmoſt we could expect by Force of Arms, he was ſure no Man of common Prudence, unleſs he had ſome other View than that of the Good of his Country, would adviſe us to provoke the Kingdom of Spain to a War. He ſaid, he hoped he had always ſhewn himſelf as jealous for the Honour of his Country, and as zealous for aſſerting it upon all Occaſions, as any Man ought to be; but that, on the preſent Occaſion, he muſt needs think, that the Houſe had already ſufficiently teſtified its Zeal for the Honour of the Nation, and our Concern for the Sufferings of our Merchants and Seamen. That they had already addreſſed his Majeſty, to uſe his utmoſt Endeavours for obtaining Reparation to our Merchants, and Satisfaction to the Nation. That they had promiſed to ſupport his Majeſty, in whatever Meaſures he ſhould find neceſſary for that Purpoſe. That they had even made ſome Proviſion for a War, in Caſe it ſhould be found neceſſary: And that, in Conſequence of what they had done, they could make no Doubt, but

but that his Majeſty had ſent Orders to his Miniſter at the Court of Spain, to inſiſt upon a full and ſpeedy Satisfaction. That their Zeal and Unanimity in the Reſolutions they had already come to, would probably open the Eyes of the Court of Spain, and produce a laſting and firm Peace.

* John Talbot Eſq; Member for Brecon, ſaid,

'That, ſuppoſing neither the French nor Dutch had any Share in the Spaniſh Plate-Fleets; yet it was certain, that our own Subjects had always a very conſiderable Share, and that he believed the Engliſh Merchants trading to Spain, did return yearly large Sums in Bullion and Spaniſh Coin to their Native Country.

'That as the Law now ſtood, if any other Ships in which they had a Concern, ſhould be taken after the Declaration of War, his Majeſty could ſeparate their Share from the Reſt, and return it to them. But that, if that Bill ſhould paſs into a Law they muſt be ruin'd: And for what? For being concern'd in a Trade, by which they acquired great Riches to their Country, as well as themſelves; which he thought would be a moſt extraordinary Piece of Injuſtice, as well as bad Policy; unleſs we had given them timely Warning not to be any farther concerned in that Trade.'

Theſe Arguments were anſwered by Thomas Coſter Eſq; one of the Repreſentatives for the City of Briſtol, as follows:

Sir,

Thomas Coſter Eſq;

'When Gentlemen ſpeak of a War between Spain and Great-Britain, they are apt to imagine that we ſhall do great Damage to our Allies, and our Merchants, and violate the Treaties betwixt the two Crowns, in caſe we ſhould paſs this Bill into a Law. As I have had ſome Opportunities, Sir, of knowing a little of the Trade between Spain and us; I cannot help obſerving, that Gentlemen are miſtaken, if they imagine that it would do either the one or the other. Our Merchants, it is true, generally had ſome Share in the Plate-Fleets; but I believe at preſent they have very little. This is owing to the long Dependance of the Negociations betwixt us and Spain, and the Backwardneſs of the Court of Madrid to give us the leaſt Satisfaction. This Backwardneſs, Sir, notwithſtanding all that has been ſaid in Favour of that Court, was no Secret among our Merchants; and I will venture to ſay, Sir, that there is not a Man among them who knows what he is doing, who has not foreſeen a Rupture, theſe two or three Years back, and taken Care to provide for the worſt. As to our Merchants reſiding in Spain, Sir, can

* *Since made a Welſh Judge.*

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Anno 11 Geo. II. 1738.

any Gentleman imagine that when they ſaw how our Merchants and Sailors, who in Conſequence of the Treaty of Seville apply'd to the Court of Madrid for Redreſs, were treated at that Court, they would have expoſed their Effects upon Preſumption that no Rupture would enſue? It is now, Sir, ſome Time ſince we entered upon the Affairs betwixt Spain and us; and I dare ſay, as ſoon as it was but whiſper'd in Spain, that the Parliament of England had reſolved to look into the Complaints of our Merchants, there is not a Man there, who had any Effects that were not ſecured before, who has not taken Care to ſecure them ſince. If any neglected to do this, we may conclude that they are Spaniards, that is, they are naturalized there, and don't intend to return.

'The other Objection that Gentlemen ſeem to have to this Bill, is, that if we ſhould, after a Declaration of War, attack any of the Spaniſh Ships which have the Treaſures on board, we ſhall violate the Treaties ſubſiſting betwixt us and our Allies. It is very true, Sir, that the French, the Dutch, and ſeveral Nations in Europe, have a good deal of Property on board the Spaniſh Plate-Fleet; and perhaps, if we ſhould take it, it might do them a good deal of Damage. But then, Sir, it is as true that if we did take it, there is no Nation in Europe that could ſay, 'You have injur'd us.' There is no Nation I ſay in Europe which could complain that we had broken our Faith, or our Treaties with them. The Reaſon of this, Sir, is very plain: All the Trade we, or any other Nation carry on with the Spaniſh Settlements in America, is entirely colluſive: It is no leſs certain, that all the Property which we have in the Plate-Fleet, is regiſtered in Spaniſh Names; and therefore, no other Nation beſides the Spaniards themſelves, can claim a Shilling's Worth of it. This is poſitively ſtipulated by Treaties; ſo that, if in caſe of a War, the Spaniſh-Plate Fleet were to fall into our Hands, neither the French nor the Dutch could come to us, and ſay; 'Theſe Goods, or that Money, is ours; and you break the 'Law of Nations, you break your Treaties with us, if 'you ſhall pretend to detain them.' Should any Nation, Sir, talk to us in that Manner, we might fairly put them to Defiance to prove their Property: I am ſure they could not do it by any Thing, that ſhould appear in the Hands of the Maſters or Sailors, or Owners of the Ships taken; becauſe, it is Death, by the Laws of Spain, for them to take a Shilling's Worth of Effects on board, belonging to the Subjects of any other Crown, or State beſides Spain. Therefore, Sir, no Nation could prove their Property in the Plate Fleet; and tho' they could, yet we could have no Reaſon to regard their Claim, ſince it muſt be founded upon a Breach of Treaties, among almoſt all the Powers in Europe.

Colonel

Colonel Bladen ſpoke next:

Sir,

Colonel Bladen.

'There is no Manner of Doubt, but that every Thing, which the Honourable Gentleman who ſpoke laſt ſaid, is true: But yet, it is a Matter highly worthy of this Houſe to conſider, whether we ought at preſent, by obſtinately adhering to the Words of Treaties, which I will venture to ſay no Nation has ever yet done in this Caſe, to make all the Reſt of Europe our Enemies. The Benefits which this Nation, in particular, receives from that colluſive Trade mentioned by the honourable Gentleman, is ſo great, that the Parliament of Great-Britain has always very cautiouſly avoided doing any Thing, that might in the leaſt affect it. The Spaniards, on the other Hand, for very good Reaſons, have always wink'd at our carrying on that Commerce: They find that they are obliged to have recourſe to the European Nations, for many Commodities, without which they cannot ſubſiſt. Thus a mutual Conveniency begets a mutual Connivance, and this Houſe was ſo ſenſible of the great Advantages which aroſe to the Nation in the laſt War, from the Commerce with the Spaniſh Settlements in America, that in that very Act which has been ſo often mentioned by Gentlemen, there is an expreſs Clauſe, by which certain Limits, near the Mouth of the Rio de la Hacha, are excepted, by declaring, that no Ships of the Enemy taken within theſe Limits ought to be looked upon as lawful Prize. What was the Reaſon, Sir, of this Exception, but becauſe the Government was very ſenſible of the Sweets of ſuch a Commerce? For that Reaſon, they thought it improper to diſcourage it even in Time of War: And in order to encourage it they inſerted that Clauſe. The Reaſon, Sir, why the Rio de la Hacha is more particularly excepted, is becauſe of the great Trade which we carried on there; and the Frauds practiſed by our Merchants and Seamen in that Trade. When an Engliſh Ship came upon the Coaſt, the Spaniards immediately put off their Boats to enquire, what Commodities ſhe had on board: As ſoon as they learned, they returned to bring Money or Effects to purchaſe our Commodities: In the mean Time the Engliſh gave the Watch-word to ſome other of their own Ships lying on the ſame Coaſt, or perhaps mann'd out their own Boat, and ordered it to lie at ſome Diſtance, when the Spaniards ſhould return. Some Time after the Spaniards return'd, and commonly bought what they wanted at a very dear Rate, paying down ready Money, or Effects which would bring Money: But they no ſooner put off from our Ships, than our People, who were ready waiting, immediately clapp'd on board them, and ſtripp'd them of every Thing. Thus one Cargoe

was

was and remains half a Dozen Times over: These Practices give the Spaniards such Disgust, that they refuse upon any Terms to deal with us: And the Parliament was in very sensible of the Damage which this Shyness and Distrust did to the Trade of the Nation, that the Clause I mentioned was thereon.

'I have been the more full upon this Particular, Sir, because Gentlemen perhaps are not sufficiently aware of the great Concernment which this Trade is of to this Nation. At the same Time, Sir, I own that as the honourable Gentleman who broke this Bill, the Trade is collusive, *i. e.* it is against the Letter of the Treaties subsisting betwixt us and Spain. But then, it is such a Collusion, as this House has thought to be highly in our Favour. Therefore, Sir, I think Gentlemen ought upon this Occasion to consider how proper it is to pass a Bill, that may alarm the Spaniards so much, even tho' no Remore should ensue, that it may put an End to all Manner of Commerce. But there is, Sir, another Part of the Bill, which greatly deserves the Attention of this House, and that is with regard to the Clause in this Bill, by which his Majesty may grant Commissions or Charters to any Persons or Societies, to seize upon, take, and enjoy as their own Property any Lands, Fortifications, or Harbours belonging to the Enemy. This, Sir, is a Clause that all the Nations in Europe, should it be pass'd in this House, may think themselves bound to oppose.

'I know, Sir, it will be said that such a Clause passed in the Act of the 6th of Queen Anne; but give me Leave to observe, that there is a very great Alteration with regard to the Footing we are now upon with Spain, from what we were upon at the Time when that Law passed. This Clause at that Time was liable to no Exceptions from any preceding Treaties. The only two Treaties we then had with Spain, which a Clause of this Kind could any way affect, were those in the Years 1667 and 1670, and there is no Provision in any of these Treaties, that could make the Parliament of England afraid of passing an Act with such a Clause in it. Nay, Sir, this Clause was no new Thing at that Time; for a Foundation had been laid for it by one of the Articles of the last grand Alliance, which was entered into by King William; by which all the Places, which this Nation could conquer from the Crown of Spain in the West-Indies, were to be annex'd to the Crown of England. This Article was a proper Foundation for this Clause in the Act of the 6th of Queen Anne, for encouraging our Trade to America; but, give me Leave, Sir, to remark that at that Time, all the Spanish West-Indies was in the Hands of the French, and this Nation understood, that the French King never could

could have been able to hold out as he did, in the long War betwixt the Confederates and him, if it had not been for the Treaſures he brought from thence. Therefore, neither the Dutch, the Emperor, nor any of our Allies, were jealous of our doing a Thing that might diſtreſs the common Enemy in ſo tender a Point. Anno 11 Geo. II. 1738.

'But how does the Caſe now ſtand? Why, Sir, by the Treaty of Utrecht, particular Care is taken that no Part of the Spaniſh Dominions ſhall be alienated; and all the contracting Powers in the Grand-Alliance are Guarantees for the Obſervance of this Article. Give me leave, for the more full Conviction of Gentlemen upon this Head, to read the Articles of the Treaty of Utrecht betwixt us and Spain, which regard this Stipulation.

'By the 8th Article it is expreſly ſtipulated, — 'That 'neither the Catholick King, nor any of his Heirs or Succeſſors whatſoever, ſhall ſell, yield, pawn, transfer, or by 'any Means, or under any Name, alienate from them, 'and the Crown of Spain, to the French, or to any 'other Nation whatever, any Lands, Dominions, or Territories, or any Part thereof, belonging to Spain, in 'America. On the contrary, that the Spaniſh Dominions 'in the Weſt-Indies may be preſerved whole and entire; 'the Queen of Great-Britain engages, that ſhe will endeavour, and give Aſſiſtance to the Spaniards, that the antient Limits of their Dominions in the Weſt Indies be 'reſtored, and ſettled as they ſtood in the Time of the above 'ſaid Catholick King, Charles II; if it ſhall appear that they 'have in any Manner, or under any Pretence, been broken 'into, or leſſened in any Part, ſince the Death of the 'aforeſaid King Charles II.' Which Article is confirmed and enforced, by the firſt ſeparate Article of the ſame Treaty in theſe Words. 'It is further agreed by this ſeparate Article, which ſhall be of the ſame Force, as if it was 'inſerted Word for Word in the Treaty, this Day concluded between their Royal Majeſties, that ſince his Royal 'Catholick Majeſty is ſteadfaſtly reſolved, and does 'ſolemnly promiſe by theſe Preſents, that he will 'not conſent to any further Alienation of Countries, 'Provinces, or Lands of any Sort, or wherever ſituated belonging to the Crown of Spain; her Royal Ma'jeſty of Great-Britain does likewiſe reciprocally promiſe, 'that ſhe will perſiſt in thoſe Meaſures and Councils, by 'which ſhe has provided and taken care, that none of the 'Parties in War ſhall require or obtain of his Catholick 'Majeſty, that any further Part of the Spaniſh Monarchy 'be torn from it; but that any new Demand of that Kind 'being made, and the ſame refuſed by his Catholick Majeſty,

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'her Royal Majeſty of Great-Britain will uſe her Endeavours, that ſuch Demands ſhall be receded from.'

'Having read theſe Articles, Sir, I ſhall ſubmit it to the Houſe, how proper it would be for this Houſe to paſs a Bill, before any War is declared betwixt us and Spain, for deſtroying the whole Intention of theſe Articles, eſpecially before we know how the other Powers of Europe are affected. Gentlemen ought to conſider, how thoſe Powers we expect to be our Allies, ſhould we go into a War with Spain, will look upon a Step which has a direct Tendency to deſtroy one of the principal Articles of the Treaty of Utrecth. Therefore, Sir, however neceſſary this Bill may be after a War is declared with Spain, I cannot think that at preſent it would be either wiſe, or expedient for this Houſe to paſs it at preſent.'

The Right honourable the Lord Polwarth ſpoke next, in Subſtance as follows:

Sir,

Lord Polwarth.

'I am as ſenſible as any Gentleman in this Houſe can be of the great Advantage, that our Trade with the Spaniards in America has brought to this Nation: But, I can by no Manner of Means ſee how the honourable Gentleman who ſpoke laſt, can apply it to this Bill. We are now deliberating whether this Bill ought to be paſſed, in order to convince the Spaniards, and all Europe that we are reſolved no longer to bear their Inſults and Injuries. Upon what Pretence, Sir, were theſe Inſults and Injuries committed? Why upon that very Fact which the honourable Gentleman has mentioned, as a great Advantage to this Nation; I mean our Merchants carrying on an illicit Trade with the Spaniards in America. Yet, Sir, I ſee ſome Gentlemen here who have juſtified the Spaniards, in all their Cruelties, in all their Inſolence, upon this very Principle, that the Subjects of Great-Britain deſerved ſuch Uſage, becauſe they were concerned in that Trade. I ſhall however leave theſe Points to be reconciled among the honourable Gentlemen's Friends; but beg Leave to take Notice of one or two Things that were thrown out.

'The honourable Gentleman who ſpoke laſt, ſaid that in our Trade upon the Coaſt of New Spain mutual Conveniency had begot a mutual Connivance; and, Sir, will it not always do ſo, whether we are at War with Spain or not? The Trade betwixt us and New Spain, is juſt as much prohibited by Treaties in Time of Peace, as in Time of War; ſo that our paſſing this Bill, won't make the Spaniards a Bit more ſhy in trading with us than they were before. For if no War follows, upon our paſſing it, then the Bill has no Effect; and if a War ſhould follow, then they are in the very ſame Danger as if this Bill had not paſs'd. For

their

their Ships and all their Effects become lawful Prize to his Majeſty and the Captors; ſo that it can be of no Manner of Conſequence to Spain, whether we paſs this Bill or not. All the Conſeqences regard our own Seamen; and the Conſideration that ought to determine this Houſe, is that it will encourage our Seamen to enter immediately into his Majeſty's Service; and it will likewiſe encourage private Adventurers to ſend out Privateers as ſoon as War is declared or Hoſtilities begun. Both which muſt be a greater Advantage at the Commencement of a War, than they can be after the War has been for ſome Time carried on, becauſe our Enemies will then be more upon their Guard, and better able to repel an Attack, than they can be ſuppoſed to be at the Beginning of a Rupture. By encouraging our Seamen to enter voluntarily into his Majeſty's Service, we ſhall not only put it into the Power of our Government, to fit out a powerful Squadron in a few Weeks, perhaps in a few Days after they have reſolved to begin Hoſtilities, or to declare War; but we ſhall alſo in a great Meaſure prevent our being obliged to have Recourſe to that deſtructive Method of Preſſing, which is ſo inconſiſtent with our Conſtitution, ſo hurtful to our Trade, and ſo oppreſſive upon our Seamen, who are, I may ſay, the moſt uſeful Part of our People.

Mr. Pulteney.

'This Bill, Sir, is in every Part ſo evidently calculated for the Ends propoſed by it, that I am greatly ſurprized that the honourable Gentleman who firſt ſpoke againſt it, and who, by his ſingle Diſapprobation, has raiſed all the Oppoſition it has met with, can ſee the Clauſes he objects to in ſo diſadvantageous a Light. I am perſuaded, if Gentlemen had ſeriouſly reflected on the Deſign and natural Conſequences of ſuch a Bill, they would have ſpared their Objections. The principal End, Sir, propoſed by it, is to prevent a War, and the Way to obtain this End, is by a publick Act of the Legiſlature to make it known to all the World, that we have raiſed the Ardour, and encouraged the Hopes of our Seamen; that we have animated all our Fellow Subjects (in caſe a Peace is refuſed) to diſtreſs the Enemy by ſeizing their Wealth and Poſſeſſions, and conſequently diminiſhing their Power. All the Arguments therefore brought againſt the Bill on the Suppoſition that it will tend to plunge us into a War, are drawn from wrong Concluſions. Inſtead, Sir, of precipitating us into a War, this Bill muſt haſten on a Peace. By it we are aſſiſting the Miniſtry; we are ſtrengthening their Hands; we are giving Weight to their Negociations; we are letting Spain ſee that we are in earneſt to ſecure our Rights by a ſafe and honourable Peace, or to vindicate them by a vigorous War. In a World, Sir, if the warmeſt Friend

Mr. Pulteney

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of the Miniſtry, — if the honourable Gentleman himſelf, had been forming Meaſures to procure a Peace, they could not have thought on a more ready and a more effectual Expedient than this Bill.

'But, Sir, before I proceed to anſwer the Objections that have been thrown out on this Occaſion, I muſt beg Leave to remark, that ever ſince I had the Honour to ſit in this Houſe, I never ſaw Gentlemen ſo negligent of Parliamentary Duty, as I have obſerved with regard to their Proceding upon this Bill. It is always the Cuſtom to conſider a Bill when it comes into a Committee, and if the Objections that lie againſt it, are too weighty to be got over, the Bill is then thrown out, and the Houſe has no further Trouble; but if the Objections are of ſuch a Nature, as to be remov'd by making Amendments to the Bill, it is our Duty, Sir, to lay theſe Objections before the Houſe in the Committee, that the proper Alterations may be made. If no further Objections are made when the Bill and Amendments are reported, it has always been look'd upon as having the Senſe of the Houſe for it, and receiving a tacit Approbation. The chief Objection, Sir, made to this Bill, (and indeed it is the only Objection of any Weight I have yet heard againſt it) was, that as at firſt intended, it * did not give our Allies a ſufficient Time for withdrawing their Effects out of the Spaniſh Ships: But ſo unwilling, Sir, were the Friends of this Bill to leave the leaſt Obſtacle to a Meaſure, which in their Apprehenſion was not only proper but neceſſary, that in the Committee they remov'd that Objection, (tho' I do think it was very ill founded,) by making the Term from which this Bill is to take place, to be two Months after the commencemencement of Hoſtilities, or the Declaration of War. This being done, it might be preſumed, to the Satisfaction of the Objectors, only one ſlight Negative being given to the Report from the Committee, the ſtrenuous Oppoſition ſtill made, is the more unexpected in this Houſe, becauſe the Bill now can neither wound the Honour, nor affect the Intereſt, of our Allies, thoſe favourite Topics ſo warmly inſiſted on and eſpouſed by the honourable Gentleman.

'Having ſaid this by the way, Sir, I ſhall now beg Leave to conſider the Weight of thoſe Objections, which, in the honourable Gentleman's Opinion, and that of the Gentlemen who have ſpoke on his Side, lie againſt the Bill; and when I have anſwered theſe, as I hope I ſhall be fully able to do, I make no doubt but the honourable Gentleman will keep his Word, and be open to Conviction. I hope I may be indulg'd if I ſhall repeat ſome Part

* *Only* 14 *Days were propoſed at firſt.*

of

of what has been already taken notice of; eſpecially ſince I ſee many Gentlemen here who were abſent when the Bill was in the Committee, and who poſſibly may not be fully inform'd of what then paſſed. It is natural, Sir, for every Man to wiſh another of the ſame Sentiments with himſelf, and as I cannot concur with the honourable Gentlemen in their Opinion, I ſhall endeavour to convince them of the Reaſonableneſs of mine.

'I beg Leave to obſerve in the firſt Place, that the honourable Gentleman, in this whole Affair, has ſhewn a great Jealouſy for the Honour of Spain: But, in the mean time, has he not been too forgetful of the Honour of Britain? He has taken it for granted that we are now at Peace with Spain: He and his Friends have all along reaſoned upon this Suppoſition; they have drawn Conſequences from it, and upon this Suppoſition, they have grounded their Negatives to the Bill. But, Sir, give me Leave to ſay, that the War has been long begun; that many Blows have been received, which it is now Time to return. We have, Sir, to a melancholy Degree of Certainty, heard how the moſt uſeful Body in the Nation has not only been inſulted, plundered, and impriſoned, but tortured and maimed in cold Blood. Outrages! not to be juſtified in the Heat of War, and which the Law of Nations will not allow Enemies to practiſe on one another. But, Sir, we have not heard of any Satisfaction offered on the Part of Spain; we have not heard of that Court's diſowning the Proceedings of any one of their Governors; we have not heard of their altering that unjuſt, partial, and barbarous Method of Tryal in Spain, by which our Countrymen, who fall into their Hands, are deprived of all Means of making their Defence. We have not yet heard of any of theſe Governors being called to Account for thoſe oppreſſive and cruel Meaſures; but, on the contrary, we have ſeen their Cruelties recommend them to Favour, and their Inſolence incouraged by Rewards. This, Sir, give me Leave to ſay, is a direct Proof of the Approbation of the Spaniſh Court. The Practice is conſiſtent enough with her preſent Maxims, with her Claim of ſearching our Ships, and her uſurp'd Authority in the American Seas. The Manner, Sir, in which they treat the Britiſh Subjects, who have been reduced to the Neceſſity of waiting their Deciſions, is as barbarous as their Pretexts are unjuſt. The firſt Thing that is done after their Perſons are impriſoned, is to ſequeſter their Effects, and deſtroy their Papers. Thus they are at once depriv'd of all Poſſibility of making any Defence, even ſuppoſe they were to plead before an indifferent Judge: But it is not hard to gueſs what muſt be their Fate in a Queſtion of Property, where the

Judge

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Judge is a Party. I have but ſlightly, Sir, touch'd upon theſe Matters of Fact: The Houſe has already heard, from the Mouths of the unhappy Sufferers themſelves, the melancholy Accounts of their Treatment. Theſe Accounts made, Sir, (I was pleaſed to ſee it) a ſuitable Impreſſion upon the Mind of every Gentleman who heard them; and I dare ſay, are ſtill ſo freſh in his Imagination, that the Idea need not be revived. The Reaſon, Sir, why I have touched upon them at all, is, to prove what I have already advanced; that Spain has long been in a State of a War with us; though Gentlemen have chiefly inſiſted upon the Injuſtice of attacking her in the Time of Peace. But, Sir, if this be Peace, I would gladly know what is Hoſtility? Have we not lived, Sir, to ſee the Spaniards inſult us in the very Seas of which we call ourſelves Maſters? Have we not lived to ſee the Subjects of Britain made Slaves by a People of whom they were once the Terror? Have we not liv'd to ſee the Britiſh Flag, once a Protection to our Merchants, become to Foreigners an Object of Scorn, and to our Fellow-Subjects Deſtruction? As theſe are Facts but too certain, can any one doubt but that Spain conſiders us as Enemies? Or can we deliberate a Moment what Meaſures we are to take? The hon. Gentleman was pleaſed to expreſs ſome Reſentment againſt falling in with popular Meaſures. For my Share, I think popular Meaſures are probably right Meaſures, becauſe their being popular proves them to be agreeable to the general Senſe of Mankind. This, Sir, I think, is a juſt Way of forming a Judgment in Caſes ſo plain as the preſent: For there is no Occaſion, Sir, for a Man to be acquainted with Myſteries of State, or the Secrets of Government, in order to know that Injuſtice is to be redreſſed, and the Freedom of Commerce to be ſecured.

'I come now to examine that Argument upon which the honourable Gentleman lays ſo much Streſs; I mean, Sir, the Manner in which France would determine herſelf, ſhould the preſent Bill paſs into a Law. The honourable Gentleman has been pleaſed to tell us how, in his Opinion, France would reaſon upon ſuch a Step. But, Sir, the Affair appears to me with a quite different Face. It appears to me, that the Court of France would be far from hazarding the great Share of that Property ſhe has in the Plate Ships, by taking the Part of Spain in this Quarrel. She knows, or we ought to let her know, Sir, that we have been barbarouſly and injurioufly uſed by the Spaniards. She is too well informed of what paſſes here, not to know that there is without Doors an unanimous Spirit of Reſentment and Revenge. The preſent Bill, Sir, will let her ſee that this Houſe is in the ſame Diſpoſition. She knows what Re-

Reſolutions both the Houſes have already come to on this Head; and as ſhe knows all this, Sir, can it ever be ſuppoſed that ſhe will act ſo inconſiſtently with her uſual Politicks, as to leave to War what ſhe may obtain by Negociation? She knows, Sir, that her naval Force, even when joined with that of Spain, will ſtill be inferior to ours, provided that we exert our Force; and this Bill ſhews her that we ſhall exert it. What then will be her next Step? Not a Declaration of War with this Nation; ſuch a Proceedure would neither be juſt nor prudent. The wiſeſt and moſt obvious Step ſhe can take is to apply to the Court of Spain. — 'You have wrong'd the Britiſh Subjects, ſays ſhe, you have inſulted and plunder'd their Merchants, till the national Reſentment is now awakened; all Parties and all Degrees of Men in that Country concur in the Reſolution of taking a ſevere Revenge, or obtaining an ample Satisfaction. You are ſingly no Match for Britain, nor is my Fleet in a Condition to aſſiſt you. But though it were otherwiſe, there is no Reaſon that I ſhould put myſelf to Expences to ſupport your Injuſtice, or to fight your Quarrels. My Property on board your Plate-Ships is very large; it runs a great Hazard, if once we ſuffer a War to break out. I have no room to hope that after the War is over I ſhall recover my Loſſes, as uſual, by Negociation. You know the Parliament of Britain has paſs'd a Bill, that puts it out of their own Power to reſtore Part of the Wealth that ſhall be taken by their Fleets. Nothing therefore remains, but that you give the Satisfaction ſo juſtly required, and that Security for their future Commerce to which you are obliged by ſo many Treaties.' —— This, Sir, I think, and not what Gentlemen have ſuggeſted, will be the Language of France, if we paſs this Bill. And, Sir, as I obſerv'd before, it is impoſſible to contrive any Bill that can ſtrengthen the Hands of our Miniſters more, or give a greater Weight to their Negociations. Kings, Sir, I believe, when they are rightly informed, are as honeſt as other Men, and can make as true a Judgment of their own Intereſt. France will find it for her Advantage to lay before the Court of Spain the true State of the Differences betwixt us. She will tell him plainly, how we have been wronged; ſhe will tell him, that our Demands of Satisfaction are ſupported by Juſtice; and that his own Intereſt requires a Compliance; ſince a Refuſal muſt involve him in a War, to which he is not equal, and for which he is unprepared. Can we imagine that the Court of Madrid would be deaf to ſuch Arguments as theſe? Or can we ſuggeſt to ourſelves any one Advantage that Miniſtry can expect to obtain, by expoſing their Country to a War in defence of unjuſtifiable Meaſures? Thus, Sir, France will indeed become a Party in this Quarrel; but

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if ſhe regulates her Conduct by Juſtice, Policy, or common Senſe, ſhe will not declare for Spain; nor can the Paſſing this Bill have the Effect apprehended by the honourable Gentleman.

'But, Sir, ſetting aſide all theſe Conſiderations, we ſhall ſuppoſe that France is abſolutely reſolved, at all Events, to ſupport Spain. We ſhall ſuppoſe that Spain is obſtinate in her Refuſal to do us Juſtice; that ſhe is determined to inſiſt upon her Right to ſearch our Ships, and to detain the Effects of our plundered Merchants: In ſhort, Sir, we ſhall ſuppoſe that the Court of France ſees this Affair in the very Light that the honourable Gentleman has mentioned. But is not this a fatal, is it not an eternal Argument againſt reſenting any future Injuries from Spain, where the Court of France ſhall pleaſe to interpoſe? This Argument, Sir, will hold equally good at all Times; and I ſhould be obliged to any Gentleman who could mention a Caſe, in which, if any Power of Europe ſhould differ with us, the Court of France might not equally oblige us to recede from our Rights. I ſhall readily grant, Sir, a Difference may poſſibly ariſe betwixt us and other Powers, and that it may be the Intereſt of France to ſtand neuter till we have ſufficiently weaken'd one another. But give me Leave to ſay, Sir, that if we reaſon from the Topics the honourable Gentleman was pleaſed to make uſe of, this can never be the Caſe with reſpect to Spain, becauſe there never can be a Time in which Spain will not have the ſame Property in the Plate-Ships as ſhe has at preſent: And conſequently their can be no Time in which we ſhall be able to redreſs ourſelves without her Leave. I appeal to every Gentleman that hears me, if this be not the natural Conſequence of this Argument. Had the honourable Gentleman carried it as far as it would go, he would have told us in direct Terms, 'Your Seamen are to be inſlaved, your Merchants plundered, and your Trade ruined, becauſe if you take one Step to prevent it, France will interpoſe. You have indeed fine Poſſeſſions in America; you have an extenſive Commerce, and flouriſhing Colonies, which may contribute greatly to the Riches of this Country, if France pleaſes to permit it. You have received the moſt infamous Treatment, and the Honour of your Country has been wounded by a long Tract of Injuries and Inſults; there is now a fair Opportunity put into your Hands of being revenged. Yes, you may, if France pleaſes: In ſhort, if ſhe pleaſe not to interpoſe in favour of Spain, you may be ſecure againſt all future Interruptions of your Commerce." This is a Doctrine, Sir, which I never hope to hear publickly avowed in this Houſe; and what Influences it may have in other Places, I ſhall never wiſh

to

to ſee it adopted here. I hope, Sir, it will always be our Maxim to command Juſtice where we are denied it: We have no Need of Allies to enable us to do this; the Story of Jenkins will raiſe Voluntiers. We have already enabled his Majeſty, if War becomes neceſſary, to proſecute it with Vigour; and if Peace ſhall be more eligible, our paſſing the preſent Bill is the readieſt Way for us to procure one that will be ſafe, laſting, and honourable.

'Give me Leave, Sir, to obſerve, beſides the Conſideration I have already mentioned, one Advantage that muſt accrue to the Nation by our paſſing the preſent Bill. Any Man who takes a View of our Conduct for ſome Years paſt, can never be at a Loſs to diſcover by what Means our Neighbours have made ſuch a Progreſs in the Art of Navigation. He will eaſily ſee that it was owing to the many Diſappointments which our Sailors received by the Fluctuation of our Councils at Home. Fleets were equipp'd here at great Expences, a vaſt Parade was made, and our Sailors Hopes of enriching themſelves, by what they ſhould take from the Enemies of their Country, we wound up to the higheſt Pitch: There is no Wonder, Sir, if, when theſe Hopes were diſappointed, they entered into the Service of other Countries, where the Encouragement that foreign Princes wiſely give them ſtill detains them. Our paſſing this Bill is, perhaps, the only Way of recovering them to our Service. They will now ſee that we deſign more than en empty Show, or mock Expedition, that our Reſolutions of Vengeance are fix'd, and that it is now out of the Power of any Miniſter to defeat their Expectations. This, Sir, will give them new Spirits, it will revive their Love for their Country, and they will ſay to one another, in their plain and honeſt Language, 'We now 'ſee that our great Men at Home are in earneſt; they have 'paſſed a Bill that will give us an Opportunity to repay our'ſelves, with Advantage, for the many Loſſes and Inſults 'we have received from the Spaniards, and for the many 'Diſappointments we have met with at Home. Let us 'now return to the Service of our Country: Let us lay 'hold of this Opportunity of making ourſelves rich at the 'Expence of the natural Enemies of us and our Nation. For 'my Part, ſays one, I never would have entered into any 'other Service, had I not met with ſo many Diſappointments in Britain; and ſince Things are ſo and ſo, I ſhall 'chuſe rather to ſerve there than any where elſe.' — Thus, Sir, our paſſing the preſent Bill is a neceſſary Step for us to take, in order to recover our induſtrious Seamen from foreign into his Majeſty's Service. This ſeems the only Expedient by which this important End can probably be obtained.

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if ſhe regulates her Conduct b… Advantage; we ſhall Senſe, ſhe will not declare … this Bill have the Eff… Gentleman.

'But, Sir, … ſuppoſe that … ſupport Sp… nate in h… mined t… and to … In f… ſee… t…

…ans that have enabled …r Trade and Navigation; …that is, the real Force of …were this Bill to anſwer no other …brave Sailors with a Confidence …rection of our Affairs, I think that …ght to outweigh any petty Objections; …ranish of themſelves, becauſe, Sir, while …ſſed of the Hearts of the Sailors, he will …both the Dignity of his Crown, and Free… …rce to his Subjects.

…able Gentleman, Sir, who ſits near me, has …himſelf with great Tenderneſs and Regard towards …chants: I wiſh, Sir, they may find him, and every …man who has the Honour to act in the Adminiſtra… …their Friends. I am ſure they deſerve all the Friend… …the Miniſtry can ſhew, and all the Encouragement and …tection the Legiſlature can give. I beg leave to ſay, Sir, …it is owing to the Commerce they carry on, that under a …load of unnumber'd Taxes, and amidſt all the Diſcourage… …ments of Induſtry, we are yet able to ſupply the Exigencies of Government, that we are yet able to preſerve the Remains of that Influence which this Crown had once over the Councils of the reſt of Europe, and that we can yet ſay that there is one Body of Men amongſt us independant. But, Sir, how long can our Merchants preſerve that Independency, if their Rights are not duly and vigorouſly maintained by that Government to the Support of which they ſo largely contribute? If they are left naked and defenceleſs by thoſe who ought to be the Guardians of our Commerce, they muſt of Neceſſity become the Prey of every petty State. I need not call in diſtant Facts, or recur to Hiſtory for this melancholy Truth. I am afraid all the late Inſults offered them Abroad, are the Conſequences of a viſible Neglect of their Intereſt at Home. And from what has been, we may eaſily collect what will be the Conſequence of this Conduct: We have already been inſulted by our Enemies; we ſhall ſoon be deſpiſed by our Allies; we ſhall be conſidered as a Nation without Rights, or, what is the ſame, without Power to aſſert them. This, Sir, muſt be our Fate, unleſs we vigorouſly reſent the Injuries of our Merchants, unleſs we require and command a Reparation for their paſt Sufferings, and a ſufficient Security from future Inſults; and unleſs, by a Conduct reſolute, and worthy of the Britiſh Name, we reſtore our naval Flag to its antient Reputation.

'Having mentioned the Britiſh Flag, give me leave to ſay, Sir, that we ought not to ſuffer our Neighbours to

diſpute

that Point, either from their own Conſtructions of from any former Precedents, or from any late pa- earance. I believe, Sir, it is needleſs for me to is Place my Thoughts more fully on this tender Gentleman who has heard of ſome late Tran- know what I mean. All the Uſe I would , is to put Gentlemen in Mind, that by giving up nour of the Flag, we give up the Safety of our Com- ; and, that by giving up our Commerce, we betray Intereſt of our Country. If the Inſolence of any of our Neighbours has encroached upon the Honour of our Flag, either by calling it in Queſtion, or by any actual Inſults, it is our Duty to paſs this Bill, that they may be convinced of our Reſolution, not only to aſcertain our Rights of Navigation in theſe Seas, but to vindicate the Honour of our Flag throughout the World.

'I ſhall now examine the Conſequences of the Arguments produced in Oppoſition to this Bill. It is alledged, that if it paſſes, the Wealth of our Allies may be ſeized without a Poſſibily of making Reſtitution. Now, Sir, I ſhall ſuppoſe a Thing that I believe no Gentleman can deny to be very probable: If we reſolve upon procuring to our Merchants a Reparation of their paſt, and a Security againſt future Injuries, we ſhall be at laſt obliged to enter into a War. What Part are we then to act? Are we not to diſtreſs Spain in every Branch of her Commerce? And ſhall we not moſt diſtreſs her by intercepting her Plate Ships, and ſeizing that Treaſure to which ſhe owes all her Power and all her Influence? That Influence by which we are awed, and that Power by which we are oppreſſed? But, Sir, according to ſome Gentlemen's Way of reaſoning, this cannot be done. For if we take the Spaniſh Plate-Fleet, we muſt refund to our Allies whatever belongs to them. Now, Sir, I appeal to every Gentleman who has been a Commander of a Ship, or is converſant in theſe Affairs, if he would not be very cautious how he attacks any Ship for whoſe Cargo he muſt be accountable? Do Gentlemen think it eaſy for an Admiral of a Fleet, or a Captain of a Ship, to repreſs the Ardour of their Men when flushed with Succeſs, and perhaps irritated by Reſiſtance? Will not Reaſon, even without Experience, inform us, that no Authority, no Exactneſs of Diſcipline, can hinder the Sailors from plundering or deſtroying? The next Step, Sir, to be taken, is not, as uſual, to adjudge thoſe Captures to be lawful Prizes, but only ſo much of the Cargo as belongs to our Enemies; for our Allies, it ſeems, are to bring in their Claim upon us for the Remainder; and they may perhaps be prevailed upon, without any great Difficulty, by Spain, to extend their Claim to the whole

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Ship, when perhaps Half is already diſpoſed of by the Sailors amongſt themſelves, or to pay the Fees at a Prize Office.

'But, without ſuppoſing any indirect Confederacy between our Enemies and Allies, let us only remember that ſome Gentlemen have aſſerted, that not a Fifth, and others I believe more rightly, that not a tenth Part of the Cargo of the Plate Ships belongs to the Spaniards. Now I am informed, by Gentlemen that are no Strangers to theſe Affairs, that it is impoſſible for a Commander to prevent more than even a Fifth Part from being ſecreted by their Crews. I think the Gentleman appealed to by my honourable Friend who ſits near me, has told us, that himſelf was brought in a Debtor, upon a Prize he took, and I am ſure no Officer can pretend to more Authority and Wiſdom than himſelf. Can we then ſuppoſe that an Officer will ſo far ſacrifice his own Intereſt to publick Spirit, as to attack the Plate Ships of Spain? May we not more reaſonably believe that he will avoid all Occaſions of falling in with them, than that he will purchaſe a barren Reputation by the Ruin of his Family? Should we go to War upon theſe Maxims, we ſhould at leaſt ſet all Nations an un heard of Example of Temper and Forbearance; ſince, though we had the Wealth of Spain in our Power, the Seizure of which muſt render them Bankrupts, both amongſt themſelves and to their Neighbours, we ſhall regard it as a Treaſure ſacred and inviolable; while they are at full Liberty to ruin our Trade, to diſtreſs our Colonies, to inſult our Flag, and to enſlave our Fellow Subjects. Will not theſe be the Effects of rejecting this Bill upon the Grounds which the honourable Gentleman and his Friends have ſuggeſted? Have the hon. Gemtleman and his Friends propoſed any Means to prevent them? I am ſure if they had, or if they yet ſhall propoſe any ſuch Meaſures, I am as ready to concur with them as any Gentleman in this Houſe.

'Hitherto, Sir, I have reaſoned upon the Suppoſition of the French having a large Share and Property in theſe Plate Ships. And I ſhall readily agree that it is greatly the Intereſt of their Merchants that theſe Ships may be unmoleſted. But that they have a Property or a Share in them, though it may paſs very well among private Traders, is not a Language to be either uſed or underſtood by treating Powers. We are, in a national Controverſy, to allow of no Property or Shares but what are agreeable to the Treaties ſubſiſting betwixt our Crown and the Crown of Spain, which has expreſly precluded the French from trading to the Spaniſh Weſt-Indies; the Treaties betwixt our Crown and the Crown of France have no leſs precluded any ſuch Trade. The laſt Clauſe of the ſixth Article of the Treaty of Utrecht binds

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up France from hereafter endeavouring to attain or to accept of any other Uſe of Navigation or Trade, upon any Account, to Spain, and the Spaniſh Weſt-Indies, other than what was practiſed there in the Reign of Charles II. or than what ſhall likewiſe be fully given and granted at the ſame Time to other Nations and People concerned in Trade. And, Sir, the Words of the eighth Article of that Treaty, are ſo full and expreſs, on this Head, that I ſhall make no Apology for reading them.

'And whereas, among other Conditions of the general 'Peace, it is by common Conſent eſtabliſhed as a chief and 'fundamental Rule, that the Exerciſe of Navigation and 'Commerce to the Spaniſh Weſt-Indies, ſhould remain in 'the ſame State it was in the Time of the aforeſaid 'Charles II.. That therefore this Rule may hereafter be 'obſerved with inviolable Faith, and in a Manner never to 'be broken, and thereby all Cauſes of Diſtruſt and Suſpicion 'concerning that Matter may be prevented and removed, 'it is eſpecially agreed and concluded, that no Licence, nor 'any Permiſſion at all, ſhall at any Time be given, either to 'the French, or to any Nation whatever, in any Name, or 'under any Pretence, directly or indirectly, to ſail to, 'traffick in, or introduce Slaves, Goods, Merchandizes, or 'any Thing whatſoever, into the Dominions ſubject to the 'Crown of Spain in America, except what may be agreed 'by the Treaty or Treaties of Commerce aforeſaid, and the 'Rights and Privileges granted in certain Conventions, com-'monly called the Aſſiento for Negroes, whereof Mention 'is made in the 12th Article.'

'Theſe are the Words of the Treaty; and Words more expreſs there cannot be. Now, Sir, there never was a Treaty betwixt Spain and any other Nation, by which Spain gave them a Right to import a ſingle Piece of Eight in their own Names; and to this Day every Piece that is imported in the Name of any other Merchants beſides thoſe of Spain, is by the Law of Spain confiſcated to the King. This has been already very well ſpoke to by an honourable Gentleman in this Debate, who is himſelf engaged in Trade. But, Sir, as the Alteration that has been made in the preſent Bill by the Committee, makes it impoſſible for the French, or any Nation except Spain, to ſuffer by our Proceedings, becauſe they will have Time to withdraw their Effects; I conceive the Force of the Argument againſt this Bill, that is built upon the Prejudice which it may do, with regard to our Allies, falls to the Ground. This Conceſſion, this Regard which we have ſhewn for the Intereſt of our Allies, muſt, if they have either Candour or Gratitude, make them ſenſible how tender we are of their Intereſt, and how unwilling

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to give them any Provocation to become Parties in this Quarrel. It will ſhew them that we have no other Deſign in paſſing this Bill, or in entering into a War, than to aſſert our Rights, and ſecure our Commerce. At the ſame Time, it gives them, as the Gentleman expreſſed it, a fair Warning, and ſhews them that we are not to be intimidated from purſuing our juſt Reſentment, even tho' they ſhould obſtinately neglect to withdraw their Effects, or to continue to embark them in Spaniſh Veſſels. Theſe are ſome of the good Conſequences that may perhaps attend the Amendment that has been made, tho' I think there was little Occaſion for it; and I believe, I have now demonſtrated that we were not obliged in Juſtice to make any ſuch Amendment, or to regard the Riches on board theſe Ships as the Property of any People except Spaniards.

'I ſhall next, Sir, conſider what was ſaid by the honourable Gentleman with regard to the Loſs that our Merchants muſt ſuſtain by inſuring theſe Effects. Every Gentleman, who is converſant in Trade, knows very well how great the Difference is betwixt inſuring upon a Cargo, and inſuring upon a Bottom. As the Inſurance in theſe Caſes with our Merchants, is upon Bottomry, and not upon Cargoes; if I am rightly informed, our Merchants Share, if the Plate Ships ſhould be ſeized, would be very inconſiderable. As to the Difficulties in which our Merchants who trade to Spain might be involved by this Bill, they are now provided againſt by the Clauſe inſerted by the Committee, which gives them an Opportunity of putting their Effects out of the Reach of the Spaniſh Government; tho' I believe, even this Alteration was hardly neceſſary, becauſe they muſt, from the Conduct of the Court of Spain, have long ſeen this Cloud gathering, and we muſt ſuppoſe them loſt in Stupidity, if they have not provided for the worſt. Nor can I find the leaſt Reaſon for imagining that a Diſcovery of their Effects will be acquired by Torture, becauſe a Proceeding ſo entirely unheard-of, ſo horrid in its Nature, and ſo contrary to the Law of Nations and of Arms, will fill the whole World with Reſentment and Deteſtation, and load the Authors with ſuch a general and laſting Odium, as the Wealth they might hope to gain cannot countervail. But, Sir, becauſe every Gentleman cannot be ſuppoſed to be a Judge of Commerce, or the particular Intereſts of Merchants, I will propoſe an Experiment, by which every one that pleaſes, may convince himſelf of the Fitneſs of this Bill. Let any Gentleman walk thro' Weſtminſter and London, and aſk every Trader he ſhall meet, his Opinion of a War with Spain, and of this Bill; he will not find ſix Men in the Number that will not declare in Favour of both the one and the other.

other. This, Sir, I believe many Gentlemen in this Houſe will admit to be Fact, and then what becomes of all the Arguments drawn from a Tenderneſs for the Intereſt of our Merchants? Can we ſuppoſe that if they have ſuch immenſe Sums at Stake as has been ſuggeſted, they would declare for the preſent Bill, had they not other Advantages in View, that will overbalance all the Loſs they can ſuſtain by our ſeizing the Plate Ships? or muſt we not ſuppoſe, what is much more probable, that they have no ſuch Sums at Stake, and that they therefore are pleaſed with the Proſpect of a War that will repreſs the Inſolence of their Oppreſſors?

'I cannot diſmiſs the Cauſe of the Traders to Spain, without mentioning a Story, which, though I will not affirm it to be true, ſeems too remarkable to be ſuppreſs'd. It is reported, Sir, that a Counter-Petition was ſet on Foot, and promoted by ſome in Power with their whole Intereſt, and utmoſt Diligence. This Counter-Petition, Sir, was to have been ſigned by the Merchants trading to Spain, in order to be preſented to this Houſe, ſetting forth *the Hardſhips that the Petitioners muſt ſuffer by a War with Spain.* To procure Hands to this Petition no Arts were untry'd, no Threatenings, no Promiſes were omitted; yet could they not get above five or ſix Merchants, and thoſe I am informed were Roman Catholicks, to ſign it; of no Figure in Trade Abroad, and of no Intereſt among our Merchants at Home. A Petition, Sir, ſign'd by ſo few and ſo inconſiderable Perſons, againſt Petitions from all Parts of the Nation, would only have drawn Contempt on thoſe who promoted it, and was therefore with equal Modeſty and Prudence laid aſide. I will not be anſwerable for the Truth of my Information; and therefore if any Gentleman who hears me, thinks himſelf injured by ſuch a Report, I hope I have obliged him by giving him an Opportunity of vindicating himſelf. But be that as it will, I may venture to affirm that a Counter-Petition was ſet on Foot, but miſcarried for want of a Number of Hands to give it the Face of a Petition fit to be preſented to this Houſe. This is enough to prove that all our Merchants trading to Spain, except a very deſpicable Number, are for a War; ſo that the Tenderneſs of the honourable Gentleman, is a Tenderneſs by which they will not think themſelves benefited, nor own themſelves obliged.

'But, ſays the honourable Gentleman, the Power of making Peace or War lies in his Majeſty's Breaſt. It is a Prerogative not to be wreſted from him by Petitions, however univerſal, or by Arguments, however ſpecious.

'Sir, I know very well how far this Prerogative of the Crown extends, at leaſt how far it ought to extend, and how ſafe ſuch a Prerogative is with his preſent Majeſty: But hope

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it will not be imputed to Want of Confidence in his Majeſty, if I affirm that even this favourite Prerogative, this darling Power, that is ſo warmly contended for, however reaſonable it once was, may now be juſtly diſputed. In former Times, Sir, when our Kings made War, they did it at their own Expence, they went to the Field at the Head of their own Tenants; if any Advantage was gained, it was enjoyed by the Nation; and if any Loſs was ſuſtained, it was ſuſtained by the Sovereign. It was then but reaſonable to indulge the Monarch in this Prerogative, becauſe he could only exerciſe it at his own Expence. But our Sovereigns now make War at the Expence of the Nation, and hazard not their own Revenues, but the Fortunes, Intereſts, and Commerce of their Subjects; and therefore, Sir, it would ſeem but reaſonable that the People ſhould be allowed to judge a little for themſelves; that our Kings hearken to their Voice, eſpecially when it is univerſal; when they are not influenced by the Arts of deſigning Politicians, or heated by the Rage of Party. Never was Nation more unanimous than our People now are, in their Demands of Satisfaction for the Injuries they have ſo long borne from the Spaniards. There can be no Danger in complying with their Importunities, ſince there is no War, be it ever ſo unſucceſsful, but is to be preferred to ſuch a Peace, as can only flatter us with a falſe Security, and expoſe us more effectually to a faithleſs Plunderer.

'I ſhall, Sir, but juſt touch upon the ſecond Article, by which Head-Money is granted to our Sailors; the Gentleman has owned, Sir, that this is a very proper Meaſure; that it is not enough for us to be barely juſt, but that we ought likewiſe to be generous, if we would encourage Men to endure Toils, and face Danger: He has indeed expreſſed himſelf, on that Head, with great Candour. All the Remark I beg Leave to make is, that the Gentleman is rather for encouraging our Sailors, at our own Expence, than that of our Enemies.

'As to the Objection againſt veſting the Properties of Places, taken from the Enemies, in the Perſons of thoſe who ſhall be incorporated by his Majeſty for that Purpoſe; I believe, Sir, we are at preſent in Poſſeſſion of ſeveral Places conquered from Spain, ſeveral Iſlands and Fortreſſes of great Conſequence, which have not been reſtored, tho' ſome of them have been more than once demanded Sword in Hand. And I cannot ſee what ſhould hinder us from ſecuring our future Conqueſts, as well as our paſt. It is true, that if we go about to beg or buy a Peace, the Effects of Conqueſts in the Hands of private Perſons will very much embarraſs a Treaty: But if we intend to command a Peace, and inſiſt

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on Juſtice, it can only be effected by ſhewing that we are determined not to loſe any Advantage, that we ſhall gain by War. Anno 11 Geo. II. 1738.

'I hope, Sir, what I have now ſaid is ſufficient to evince the Neceſſity of this Bill. Former Parliaments, Sir, have thought it proper to paſs ſuch Bills; it was then proper; it is now neceſſary. I am far from thinking that this Nation ought to be the Drawcanſir of Europe, to heap Debts upon Debts, and ruſh wantonly into War and Expences. But, Sir, I am afraid new Debts and new Wars will be the natural Conſequence of ſuch languid and ſpiritleſs Proceedings as ſome Gentlemen ſeem to favour. Every petty People, every Neſt of Pirates, every Combination of encroaching Traders, will without Scruple plunder a Nation, that ſits down tamely under the groſſeſt Injuries, and, inſtead of puniſhing, careſſes the Robber. If this Act ſhould not have the expected Influence upon Spain, it will encourage our Seamen, and inſpire our Fellow-Subjects with a juſt Confidence in his Majeſty and his Adminiſtration, when they ſee nominal Diſtinctions and Party Quarrels loſt in the noble Zeal for aſſerting the Rights of our Country, retrieving the Honour of our Naval Flag, and repairing the Loſſes of our injured Merchants. Therefore, Sir, I give my hearty Concurrence to this Bill.'

Sir Robert Walpole thinking himſelf reflected on, took the Opportunity to offer this Juſtification of himſelf.

Sir Robert Walpole.

Sir,

'I believe, it is owing to the Zeal the Gentleman who ſpoke laſt has for the Honour of Britain, and to his Indignation againſt the Inſolence of the Spaniards, that he forgot ſome of his uſual Candour in ſtating one or two Points. As they perſonally relate to myſelf, I ſhall beg Leave to trouble the Houſe with a few Words on this Occaſion.

'And firſt, Sir, I appeal to every Gentleman who has heard what I have ſaid on this Subject from the firſt Day it was brought into this Houſe, if I have dropp'd one Word that could be wreſted to the Meaning imputed to me by the honourable Gentleman. Can any Gentleman collect from the Expreſſions I us'd, that I was jealous of the Spaniſh, but forgetful of the Britiſh Honour? I dare appeal, Sir, to any Man who knows me in private Life, if he ever at any Time heard ſuch an Inſinuation fall from me. All I ſaid on that Point was in order to prove, that it would be extremely improper for us to paſs this Bill, till we ſee the Effect of his Majeſty's late Inſtances at the Court of Spain.

'The next Part of the honourable Gentleman's Speech that perſonally relates to me, is what he added with regard to an abortive Petition. The Gentleman ſaid, 'he 'was informed, it was reported, but that he would not be

Anno 11. Geo. II. 1738.

'anſwerable for the Truth of his Information? But, Sir, is this a fair Way of reaſoning in this Houſe? To make Inſinuations have any Weight, they muſt be founded on acknowledged Facts. But if theſe Facts are miſrepreſented, and aggravated with invidious Circumſtances; if Suſpicions are intangled with Certainties, and Conjectures work'd up into Invectives; may not the moſt innocent Behaviour countenance the moſt cruel and unjuſt Reflections? may not the cleareſt Integrity be impeached, and Reputations ſported away? It is very true, that a certain Petition was deſigned, and that Deſign was afterwards dropt. So much, Sir, and not one Word more of what has been aſſerted on this Head, is Truth. But, Sir, as I have been perſonally pointed out, I muſt beg Leave to ſet this Affair in a juſt Light: It is againſt my Inclination that I touch upon it at all; but I am forced to it, by the Regard that every Man ought to have for Truth, and for his own Character.

'The Deſign of the Petition, which is invidiouſly called a Counter-Petition, I will take upon me to aſſert, was not ſet on Foot by any one concerned in the Adminiſtration, as the honourable Gentleman ſeems to inſinuate. It was a Meaſure begun and promoted by ſome of the moſt conſiderable Merchants of the Kingdom, and, for aught I know, Men as well affected to our Conſtitution both in Church and State, as any Gentleman in this Houſe. After they had concerted the Scheme amongſt themſelves, they came in a Body to deſire my Advice; which was, Sir, that they ſhould proceed no farther in it. I told them, that I would not be concerned in any thing that would give the Spaniards the leaſt Reaſon to imagine that the trading Intereſt of Great Britain was divided in this Affair, or that this Houſe would not be unanimous in its Zeal for procuring juſt and ample Satisfaction for the Injuries of our Countrymen, and the Obſtructions of our Commerce. At the ſame Time I ſhewed them that they were acting contrary to their own Intereſts, and that they could hope for no other Favour from Spain than to be the laſt whom ſhe would ruin. Upon this, Sir, the Deſign was dropped; and I believe this is known, by ſeveral preſent, to be the true State of the Fact, which the honourable Gentleman has been pleaſed to repreſent as a Piece of Miniſterial Craft. How far the Arguments produced are concluſive, let the Houſe judge: For my Part, I do not forget my Promiſe of being open to Conviction; but I muſt feel the Force of an Argument before I acknowledge it, and perceive my Objections invalidated before I recede from them. I do not perceive that the Gentleman has added any Weight to his own Reaſons, or taken away any from mine, and therefore I am againſt the preſent Queſtion.

Thomas

Thomas Winnington, Eſq;

Mr. Winnington.

Sir,

'The Importance of the Queſtion before us, will juſtify me in ſaying ſomething, though the Time will not allow me to ſay much.

'The preſent Bill I apprehend to be ſuch, that we ſhould, in paſſing it, neither obſerve our Treaties, nor conſult our Intereſt. Our Provocations have indeed been great, and many; our Merchants have met with barbarous Treatment; and that too has been authoriſed, or at leaſt connived at by ſome of the Spaniſh Governors; nor ſhall I pretend to ſay that theſe Governors have been hitherto puniſhed by the Court of Spain. But, Sir, neither the Court of Spain, nor we, till of late, were certainly informed of the Truth of our Merchants Allegations; and while Facts are yet in Diſpute, though Juſtice may be delayed, it is not properly denied.

'The convincing Proofs we have now received, are laid, by his Majeſty's Order, before the Court of Spain; let us wait for the Event of theſe Remonſtrances, which perhaps may procure us all the Advantages we can hope for from a War, without the Hazard, the Blood, and the Expence. If theſe Remonſtrances are neglected, what have we loſt? We have ſtill our Swords in our Hands, to command Juſtice, if we are denied it. We may then declare War, and proſecute it with the utmoſt Vigour; the Delay will, I hope, give new Spirit to our Councils, becauſe it will give Juſtice to our Cauſe.

'As the honourable Gentleman, Sir, has been pleaſed to quote an Article or two from the Treaty of Utrecht, I ſhall beg leave, to do the ſame. And firſt, I ſhall read the 17th and 18th Articles of that Treaty.

XVII. 'But if it happen through Inadvertency, Imprudence, or any other Cauſe, that any Subject of either of 'their aforeſaid Royal Majeſties, do or commit any thing, 'by Land, Sea, or on freſh Water, in any Part of the 'World, whereby this preſent Treaty be not obſerved, or 'whereby any particular Article of the ſame hath not its 'Effect, this Peace and good Correſpondence, between the 'Queen of Britain and the Spaniſh King, ſhall not there'fore be interrupted or broken, but ſhall remain in its 'former Strength, Force, and Vigour; and that Subject only 'ſhall be anſwerable for his own Fact, and ſuffer ſuch 'Puniſhment as is inflicted by Law, and according to the 'Preſcriptions of the Law of Nations.

'XVIII. But if (which God forbid) the Diſputes which 'are compoſed ſhould, at any Time, be renewed between 'their ſaid Royal Majeſties, and break out into open War, 'the Ships, Merchandize, and Goods, both moveable and im-

Anno 11 Geo II. 1738.

'moveable, of the Subjects on both Sides, which ſhall be 'found to be, and remain in the Ports and Dominions of 'the adverſe Party, ſhall not be confiſcated, or ſuffer any 'Damage; but the Space of ſix Months, on the one Part 'and the other, ſhall be granted to the ſaid Subjects of each 'of their ſaid Royal Majeſties, in order to their ſelling the 'aforeſaid Things, or any other their Effects, or carrying 'away and tranſporting the ſame from thence, whither-'ſoever they pleaſe, without any Moleſtation.'

'I believe, Sir, the Words of theſe two Articles need no Commentary, they being ſo full and expreſs in themſelves, and their Meaning ſo directly contrary to the Tenour of the preſent Bill. While War is yet not declared, and before the Court of Spain has avowedly refuſed to do us Juſtice, the Injuries and Violences complained of, are the Crimes of private Perſons; not Hoſtilities, but Piracies; and ſo I ſhall ſtile them, till a Refuſal of Juſtice makes them the Acts of the State. There are ſeveral Inſtances, Sir, and ſome mentioned in the Petition to this Houſe, wherein our injured Merchants have been favourably heard by the Court of Spain. If her Intentions to grant them Relief were fruſtrated by the Villainy of her Governours in America, that is no more than I believe happens every Day, in Relation to other Courts, where their Dominions are ſo remote. Therefore, Sir, until we hear the Anſwer of the Court of Spain to our late Inſtances, we can never affirm that the Crown of Spain has, by any publick Act, authorized the Depredations complained of.

'The honourable Gentleman has been pleaſed to omit taking Notice of another material Objection to this Bill: This, Sir, regards the Obligations that our Crown is under, not to conſent to any future Alienations of any Part of the Spaniſh Dominions in America; tho' he might have found the Words by which this is expreſly ſtipulated in one of the Articles, which he himſelf was pleaſed to quote. It is in the latter Part of the eighth Article of the ſaid Treaty, where we meet with this Clauſe; 'That the Spaniſh Dominions in 'America may be preſerved whole and intire, the Queen 'of Great Britain engages, that ſhe will endeavour, and give 'Aſſiſtance to the Spaniards, that the antient Limits of 'their Dominions in America be reſtored and ſettled as 'they ſtood in the Time of King Charles II. of Spain, 'if it ſhall appear that they have, in any Manner, or 'under any Pretence, been broken into, and leſſened in 'any Part, ſince the Death of the King aforeſaid.'

'This, Sir, was a Point of ſo great Conſequence, that the firſt Article of the ſaid Treaty confirms it in Terms ſtill more full and expreſs. 'Since his Royal Majeſty of

Spain

'Spain is ſtedfaſtly reſolved, and does ſolemnly promiſe 'by theſe Preſents, that he will not conſent to any further 'Alienation of Countries, Provinces or Lands, of any 'Sort, or wherever ſituate, belonging to Spain, her Royal 'Majeſty of Great Britain does likewiſe reciprocally pro-'miſe, that ſhe will provide that no further Part of the 'Spaniſh Monarchy be torn from it.

'After ſuch a Stipulation as this, what can our paſſing the preſent Bill be termed, but a manifeſt Violation of the publick Faith? But becauſe Arguments founded upon Intereſt are too often of greater Weight than thoſe drawn from mere ſpeculative Juſtice, I ſhall beg leave to offer my Opinion of the Effect, which ſuch a Procedure would have upon that Commerce, for the Preſervation of which theſe Meaſures are propoſed.

'I have, Sir, many Times heard it aſſerted, that we are Loſers in every Branch of Trade, except to our Plantations, and to Portugal: If this is true, let us not, without the utmoſt Caution, give way to Counſels that may injure theſe two only valuable Branches of our Commerce. I believe, Sir, it will eaſily be granted me that the Spaniards are ſuperiour to us in the American Seas. Their Ships are indeed very much inferiour to our Men of War, yet ſuch as our trading Veſſels cannot reſiſt: Theſe Ships, the vaſt Extent of their Coaſts, and Commodiouſneſs of their Harbours, give them an Opportunity of equipping in ſuch Numbers, that the Men of War, which we ſhall be willing to diſpatch thither, will not be able to protect above a fifth Part of our Merchants. Nor is this the only, or the greateſt Danger, to which our Commerce will be expoſed. The open Efforts of Spain may be guarded againſt and defeated, but the ſilent Encroachments of France we ſhall not have Leiſure to obſerve, nor Opportunity to prevent; the firſt will ceaſe with the War, but the other will ſtill remain to upbraid us with our Raſhneſs and Imprudence.

'As to the Hopes, which the honourable Gentleman ſeems to entertain, that France will interpoſe in our Favour, I cannot but think them perfectly chimerical. France has rarely ſacrificed her Intereſt to her Generoſity, or aſſiſted her Neighbours to her own Prejudice. What Proſpect of Advantage can induce her to repreſent the Juſtice of our Cauſe, to the King of Spain? Will not ſhe grow rich by our Differences? will ſhe not extend her Commerce undiſturbed, and enlarge her Power without Oppoſition? Her Power in America is already formidable, and her Colonies flouriſhing. Shall we not by a War increaſe that Power, and add new Strength to our ancient and natural Enemy? Nor will France confine her Acquiſitions to the Weſt-Indies, but make the

Anno 21 Geo. II. 1748.

the ſame, if not greater Advantages in Europe; the Trade of Spain, a Trade more conſiderable and gainful than it is commonly imagined, will fall at once into her Hands. She will then graſp at Portugal; and how eaſily ſhe may ſecure herſelf into that Trade, will appear from the bare Inſpection of a Map of Europe. Let it be remembered that the Sea will be open to her Veſſels, while our Merchants will not dare ſail without a Convoy; let it be conſidered how eaſily Spain may ſtation her Fleet at the very Mouth of the Tagus, and the Dangers of a War will be eaſily comprehended.

'I ſhall beg Leave, Sir, only to offer one Word in anſwer to what the Gentleman advanced, with regard to the Royal Prerogative of making Peace or War; and indeed, Sir, his Inſinuation is ſo directly contrary to the known Maxims of our Government, that in ſome Meaſure it carries its own Anſwer along with it: Gentlemen need only look into the Addreſs, we have preſented to his Majeſty, to be convinced what the Senſe of the Houſe is on this Head, and how conſiſtent it would be in us, after ſuch an Addreſs, to pretend to wreſt that Prerogative out of his Hands.

'The Advocates for the Bill have advanced one Aſſertion in Defence of it, which, in my Opinion, deſerves particular Notice. This Bill, how threatening an Aſpect ſoever it may bear, however it may ſwell with the tremendous Sounds of Head-money, Conqueſt, and Appropriation, is, it ſeems, only intended to procure a laſting and a ſpeedy Peace. Theſe Threats, it ſeems, are only to be thundered in the Ears of Spain, the Conqueſts are only to be talked of, and the Land we mark out for perpetual Settlements is never to be invaded. Are not theſe the Satiriſts, who have exhauſted their Eloquence, and jaded their Imaginations, to ridicule military Shows, and mock Expeditions?

'But, not to give way to perſonal Reflection on this important Queſtion, How can we gueſs the Event of this bold Experiment? Have they any Aſſurance that the Spaniards, ſo elevated as they repreſent them with our Cowardice, ſo daring, ſo haughty, and ſo inſolent, will loſe their Spirits, lower their Creſts, quake with Terror, and ſink into Deſpair, at the Reſolution of this Houſe? That they will immediately beg for Mercy as ſoon as we lay our Hands upon our Swords, without daring to hold out till they are drawn? Will mere Words and empty Sounds reſtore that Reputation which has been ſo long loſt, and ſo pathetically lamented? Is there any Magic in an Act of Parliament, that gives it Power to freeze the Blood, and ſlacken the Nerves; to diſarm Squadrons, and ſcatter Fleets? Their Reaſonings ſeem to be founded in the full Confidence of Effects like theſe.—For they have not vouchſafed to give us the leaſt Informa-

tion

on how the Expences of a War with a powerful Nation may be ſupported; while they have juſtify'd Meaſures of which, to vulgar Capacities, War appears the inevitable conſequence. The Tenour of their Reaſoning is indeed not very uniform: They talk at one Time of nothing but procuring a ſafe and honourable Peace; at another, they ſeem to ſuſpect that the Bill may produce open Hoſtilities, and pleaſe themſelves with transferring to the People a Branch of his Majeſty's Prerogative, and giving them an Opportunity of declaring War for themſelves. They aſſert, that the People are unanimous in their Ardour for Vengeance, and propoſe an infallible Experiment to prove that Unanimity. Suppoſe the Deſire as general as is pretended, are all Deſires proper to be gratified? Is an inflamed Populace to give Laws to the Legiſlature? The People, I know, in imitation of ſome of their Betters, have divided Prizes, counted on Head-money, and canton'd out the Provinces of America. Conqueſt, Triumph, and Poſſeſſion, are pleaſing Sounds, and Victory and War are now vulgarly taken for Terms of the ſame Signification. But Experiments are beſt confuted by Experiments, and therefore I ſhall take the Liberty of propoſing a Method by which the Inclinations of our Countrymen may be diſcovered. Let any Gentleman of this Houſe walk through the Streets of London, and ask every Man he meets, whether he is willing to abate his Expences, or to pay greater Taxes than he does at preſent. I believe I need not ſay what Anſwer he will receive, or how wonderful an Unanimity he will find in all Ages, Ranks, and Parties. He will ſee the Ardour raiſed by the Talk of Depredations, Injuries, Conqueſts, and Vengeance, very inſibly abated by the Mention of Taxes. The Story of Capt. Jenkins will then be told in vain, and though it has been affirm'd that it will raiſe us Voluntiers, it will raiſe, I fear, but little Money.

Upon the Whole, I believe, moſt Gentlemen that attentively reflect on all the Conſequences of paſſing this Bill, will find the Diſadvantages outweigh the Benefits, and with me determine in the Negative.'

Anno 11 Geo. II 1738.

Mr. Pulteney,

'Sir, after all that Gentlemen have ſaid againſt this Bill, muſt inſiſt upon it that the moſt material Part of my Argument for the Bill has not been ſo much as touch'd upon by them; and that is with regard to the Trade carried on by France in the Spaniſh Galleons, which is a notorious Breach of all Treaties.

Mr. Pulteney.

The Queſtion being put, on a Diviſion the Bill was dropt, Noes. 106, Yeas 75.

The Bill dropt. Diviſion Noes. 106, Yeas 75.

May

Anno 11 Geo. II. 1738.

May 20th, His Majeſty went to the Houſe of Peers, and put an End to the Seſſion with the following moſt gracious Speech to both Houſes.

The King's Speech.

My Lords and Gentlemen,

" IT is with great Satisfaction I obſerve, that the Temper and Moderation, which I recommended to you at " the Opening of this Seſſion, have been ſo well preſerved " through the general Courſe of your Proceedings; and " that from a due Regard to me, and my Honour, you " have avoided all unneceſſary Occaſions of Heats, and " Animoſities, and made the Intereſt of your Country the " principal Object of your Care and Conſideration.

Gentlemen of the Houſe of Commons,

" I return you my Thanks for the Supplies which you " have ſo chearfully and effectually raiſed for the Service " of the current Year: The Proviſion you have made to " anſwer all Emergencies, which may become neceſſary, in " Vindication of the Honour and Intereſt of my Crown " and People, is a great Proof of your Zeal and Concern " for the Welfare and Proſperity of the Nation; and ſhall " be employed by me in ſuch a Manner, as may beſt con- " duce to thoſe Ends and Purpoſes, for which you have ſo " readily conſented to this extraordinary Expence.

My Lords and Gentlemen,

" Agreably to what hath appeared to be concurrent the " Opinion of both Houſes of Parliament, I have given Or- " ders to repeat, in the ſtrongeſt and moſt preſſing Manner, " my Inſtances at the Court of Spain, for obtaining Satis- " faction for the many Injuries and Loſſes ſuſtained by my " trading Subjects in America, as well as an effectual Secu- " rity of their Rights for the future; and I hope, from the " Juſtice and Equity of the Catholick King, to procure " ſuch Satisfaction and Security, as may preſerve the Peace, " and eſtabliſh a free and uninterrupted Exerciſe of Na- " vigation and Commerce, mutually between the Sub- " jects of both Crowns, purſuant to our Treaties, and the " Law of Nations.

The Parliament was then prorogued to July 27.

SPEECHES

SPEECHES and *DEBATES*

In the TWELTH SESSION of the

Second Parliament of King GEORGE II.

THURSDAY, Feb. 1. A Meſſage came by Sir Charles Dalton, Uſher of the Black Rod, to the Commons, commanding their Atttendance in the Houſe of Peers; and they attended accordingly. Being return'd, Mr. Speaker reported his Majeſty's Speech, which was as follows: Anno 12 Geo. II. 1738-39.

My Lords and Gentlemen.

"I Have, upon all Occaſions, declared, how ſenſibly I have been affected with the many Hardſhips and Injuries ſuſtained by my trading Subjects in America. I have the Honour of my Crown, and the true Intereſt of my People too much at Heart, to ſee either of them ſuffer any Prejudice or Diminution, without purſuing the moſt proper and advantageous Methods for their real Security and Preſervation. The King's Speech.

"Theſe Conſiderations alone were ſufficient to incite me to exert my utmoſt Power, in vindicating and protecting our undoubted Rights and Privileges of Navigation and Commerce; and nothing could add to my own Zeal in ſo juſt a Cauſe, but the due Regard I always have to the Petitions and Complaints of my Subjects, and the Advice of my Parliament. The Wiſdom and Prudence of your Reſolutions, upon this great and national Concern, determined me to begin with the more moderate Meaſures, and to try, once more, what Effect and Influence my friendly Endeavours, and preſſing Inſtances would have upon the Court of Spain towards obtaining that Satisfaction and Security, which we were intitled to demand and expect; and your Aſſurances to ſupport me in all Events, enabled me to proceed with proper Weight and Authority.

"Thus ſupported by the concurrent Advice of both Houſes of Parliament, I loſt no Time in making Preparations to do my ſelf and my People Juſtice, if the Conduct of the Court of Spain had laid us under that Neceſſity; and at the ſame Time I did, in the ſtrongeſt Manner, repeat my Inſtances for obtaining ſuch Juſtice and Reparation for the many Injuries and Loſſes already ſuſtained, and ſuch an effectual Security for the future, as might prevent the Conſequences of an open Rupture.

Anno 12 Geo. II. 1738-39.

" It is now a great Satisfaction to me, that I am able to " acquaint you, that the Meaſures I have purſued, have " had ſo good an Effect, that a Convention is concluded, " and ratified between me and the King of Spain; where- " by, upon Conſideration had of the Demands on both " Sides, that Prince hath obliged himſelf to make Repa- " ration to my Subjects for their Loſſes, by a certain ſti- " pulated Payment; and Plenipotentiaries are therein named " and appointed, for regulating, within a limited Time, " all thoſe Grievances and Abuſes, which have hitherto " interrupted our Commerce and Navigation in the Ameri- " can Seas; and for ſettling all Matters in Diſpute, in ſuch " a Manner, as may for the future prevent, and remove " all new Cauſes and Pretences of Complaint, by a ſtrict Ob- " ſervance of our mutual Treaties, and a juſt Regard to the " Rights and Privileges belonging to each other. I will order " the Convention, and the ſeparate Article to be laid before you.

" It hath been my principal Care, to make uſe of the " Confidence you repoſed in me in this critical and doubtful " Conjuncture, with no other View, but the general and " laſting Benefit of my Kingdoms; and if all the Ends, " which are to be hoped for, even from ſucceſsful Arms, " can be attained, without plunging the Nation into a War, " it muſt be thought, by all reaſonable and unprejudiced " Perſons, the moſt deſirable Event.

Gentlemen of the Houſe of Commons,

" I have ordered the proper Eſtimates to be prepared, " and laid before you, for the Service of the current Year. " I heartily wiſh, that the Poſture of Affairs would have per- " mitted me to retrench the publick Expences, for which I am " obliged to demand the preſent Supplies: And I make " no Doubt, but your experienced Zeal and Affection for " me and my Government, and the proper Concern you " have always ſhewn for the publick Good, will induce you " to grant me ſuch Supplies, as you ſhall find neceſſary for " the Honour and Security of me and my Kingdoms.

My Lords and Gentlemen,

" I cannot but earneſtly recommend it to you, not to " ſuffer any Prejudices or Animoſities, to have a Share in " your Deliberation at this important Conjuncture, which " ſeems in a particular Manner, to call upon you to unite " in carrying on ſuch Meaſures, as will be moſt conducive " to the true Intereſt and Advantage of my People."

Ad- Upon a Motion made by Mr. Campbel * of Pembrokeſhire, the following Addreſs of Thanks was agreed to.

* One of the Lords of the Admiralty

Moſt

Anno 12. Geo. II. 1738-39.

Moſt gracious Sovereign,

" WE your Majeſty's moſt dutiful and loyal Subjects, " the Commons of Great Britain in Parliament " aſſembled, do beg Leave to return your Majeſty our un- " feigned Thanks for your Majeſty's moſt gracious Speech " from the Throne.

" We acknowledge your Majeſty's great Goodneſs in " the conſtant Regard your Majeſty has been pleaſed to ex- " preſs to the Petitions and Complaints of your Subjects, " and the Advice of your Parliament, and in purſuing ſuch " Meaſures for the Honour and Dignity of your Crown " and the true Intereſt of your People, as your Majeſty " in your great Wiſdom judged to be moſt proper and advan- " tageous.

" We congratulate your Majeſty on the Succeſs of your " Royal Endeavours, in concluding a Convention with the " King of Spain, whereby Reparation is ſtipulated to be " made and paid to your Majeſty's injured Subjects, and " Plenipotentiaries are appointed for regulating all thoſe " Grievances and Abuſes, which have hitherto interrupted " our Commerce and Navigation, and for removing all fu- " ture Cauſes and Pretences of Complaint.

" We beg Leave to aſſure your Majeſty, that your faith- " ful Commons will effectually ſupport your Majeſty in ac- " compliſhing and bringing to Perfection this great and ne- " ceſſary Work, in ſuch a Manner as may anſwer the juſt " Demands and Expectations of your Majeſty and your " People.

" And your Majeſty may be aſſured, that your faith- " ful Commons will grant to your Majeſty ſuch Supplies, as " ſhall be neceſſary for the Honour and Security of your " Majeſty and your Kingdoms; and that we will endea- " vour to avoid all Heats and Animoſities in carrying " on the Publick Buſineſs at this critical and important " Conjuncture."

The Motion for this Addreſs produced the following Debate. Debate upon the Motion for the Addreſs.

Sir William Windham.

Sir,

Sir William Windham.

' Tho' no Gentleman in this Houſe has a greater Regard for his Majeſty than I have, nor would be more ready to agree to every Expreſſion of Zeal and Duty to his Perſon, yet I can by no Means agree to an Addreſs in the Terms of this Motion. In the firſt Place, Sir, give me leave to obſerve, it looks a little ſuſpicious, that the Meeting of Parliament has been put off at this critical and important Juncture for fourteen Days. Tho' I am not very apt to believe vulgar Reports, yet I am ſorry to ſay, it is but too probable, that

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the Court of Spain had dar'd to trifle with us in a moſt egregious Manner, notwithſtanding the Reſolutions both Houſes came to laſt Seſſion; and that they could not be brought to make the leaſt Conceſſion in our Favour, till we had given up every thing that we ought moſt ſtrenuouſly to have inſiſted on. I ſay, Sir, it is but too probable, that this is the true Reaſon why we did not ſit fourteen Days ago. The Spaniards knew well, that ſomething muſt be done to ſatisfy the Expectations of the Parliament and the Nation; they knew that our Miniſtry would purchaſe this at any Rate; they knew at the ſame Time, by repeated Experience, that we are ſo far from being fond of Fighting, that we would give up almoſt any thing rather than enter into a juſt and neceſſary War. Therefore they put Things off from Time to Time, till they brought us to the very critical Day, I may ſay Hour, when it was neceſſary for us to grant them their own Terms. I beg leave to give my Reaſons for thinking ſo, and theſe Reaſons ſhall be founded upon the greateſt and moſt unqueſtionable Authority, the Words of his Majeſty's Speech. We are told there, Sir, that a Convention with Spain is concluded and ratified; and that in Conſequence of this Convention, Plenipotentiaries have been nominated for redreſſing within a limited Time all our Grievances and Abuſes. I have no Manner of Deſign to foreſtal the Opinion of the Houſe upon this Convention; I hope we ſhall be ſoon favoured with ſeeing it, and I wiſh that it may be found a good one. But I beg leave to take notice, that our Miniſters would have ſhewn a much greater Regard for the Sentiments of Parliament than they have done, if this Convention had been communicated to the Houſe before it was ratified. By this Means, Sir, we ſhould not have been put to the ungrateful Task of perhaps condemning a Meaſure which has had the royal Sanction, and which is now in ſome Sort irrevocable. But how have our Miniſtry managed? Why, Sir, they put off the Meeting of Parliament for fourteen Days, in order to throw this, I may call it, unſurmountable Difficulty in our Way; and then we are told, that this Convention is concluded, not only concluded but ratified, and not only ſo, but that Plenipotentiaries are appointed to ſee it executed, and to carry it into a definitive Treaty. This is a very bold Stroke, eſpecially as the Parliament has already pointed out what our Rights are. If Regard has been had to the Reſolutions of Parliament, I can ſee no Manner of Reaſon for appointing Plenipotentiaries for ſettling all Matters in Diſpute. The Parliament, I think, has already done that, by expreſly aſcertaining what the Rights and Privileges of this Nation with regard to our Navigation in the Indies are. Therefore I cannot conceive what theſe Gentlemen our

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Plenipotentiaries are to ſettle, unleſs they intend, by virtue of their full Powers, to give up ſome Part of what the Parliament has already found to be the undoubted Right of this Nation. I am certain, Sir, that if they had made the Reſolutions which the Parliament came to laſt Seſſion the Foundation of their Demands; if they had diſcovered a Reſolution to break off all Treating, rather than depart from the Senſe of Parliament, either a definitive Treaty might have been obtained, or we ſhould by this Time have known the worſt. But by what appears from his Majeſty's Speech, this Convention is no other than a Preliminary; and in all Probability a very bad Preliminary too; and the Miniſter has ventured to clothe ſome of his Creatures with full Powers to give up the Rights of this Nation; for they may do it, if they dare.

'I know, Sir, it will be ſaid, that if theſe Plenipotentiaries ſhould act in ſo ſcandalous a Manner, they are liable to the Cenſure of this Houſe. But will it be any Satisfaction to our injured Country, that two or three Perſons, who have but very little Property, and perhaps as little Reputation to loſe, ſhall fall under the Cenſure of this Houſe, after they have ſhamefully ſacrificed her moſt valuable Privileges. Beſides, Sir, how eaſy is it for a State Offender to ſkreen himſelf from the Juſtice of his Country by flying from it, when he has made any Step to its Diſadvantage or Diſhonour? This is no uncommon Thing; and I ſhould not at all be ſurpriſed, even if the Authors, whoever they are, of this Convention, ſhould find it neceſſary to keep thoſe Underlings, whom they have employed in concluding it, at a Diſtance, and not ſuffer them to return, leſt they be obliged to diſcover ſome Secrets which certain Gentlemen may think neceſſary to be concealed. Should a diſhonourable definitive Treaty be concluded upon the Footing of this Convention, our moſt valuable Rights, even the Independency of this Crown, may be given up, without our being able either to ſave them, or to bring the Authors to condign Puniſhment. I remember to have heard or read, that the Gentleman who concluded the American Treaty, the Obſervance of which is all we now contend for with the Crown of Spain, and which was in thoſe Days looked upon as a very bad one, never thought fit to return to England, for Fear of a Parliamentary Cenſure.

'From theſe Conſiderations and many other, I believe Gentlemen will find it no eaſy Matter for them to agree to the preſent Motion. With what Propriety, Sir, can we congratulate his Majeſty on his Succeſs, in concluding a Meaſure, before we know what Kind of a Meaſure it is. No Gentleman here can, or at leaſt will, take it upon him to inform this Houſe, what are the particular Heads of this

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Convention; what are the Sums ſtipulated to be paid, or in what Manner our Grievances, which have been ſo fully proved in Parliament, and are ſo loudly complained of by the Nation, are to be redreſs'd. If we can ſuppoſe the Sum that is ſtipulated by this Convention, to amount to one tenth Part of what we have ſuffered by the Spaniards; if we can ſuppoſe that there is a Clauſe in the Convention, which leaves all the former Treaties betwixt us and Spain at the Mercy of thoſe Plenipotentiaries; if we ſuppoſe farther, Sir, that ſome Part of our Rights and Poſſeſſions are actually given up by this Convention, will any Gentleman ſay that we ought to agree to this Motion, and return Thanks for Meaſures, not only before we know what they are, but after the ſtrongeſt Reaſon for preſuming that they are bad. I hope therefore, Gentlemen will think it ſufficient, if we ſhall upon this Occaſion, confine ourſelves to thoſe Expreſſions, that are reſpectful and dutiful to his Majeſty's Perſon, without adding any Thing in our Addreſs, that may look like an Approbation of this Convention. For this Purpoſe, I think, we ought to leave out all the Words of this Addreſs, but the firſt and laſt Paragraphs.'

Sir Robert Walpole.

Sir,

Sir Robert Walpole

'The Importance of this Juncture, the Expectations of the Houſe, and the Share I have the Honour to bear in his Majeſty's Counſels, make it proper and neceſſary that I ſhould ſay ſomewhat on this Occaſion: But at the ſame Time, I own that I am able to ſay nothing that can give any Gentleman, who judges coolly and impartially, any additional Conviction of this Addreſs without the Amendment being proper, beſides what he muſt receive from reading the Words of the Addreſs itſelf.

'We have now, Sir, enter'd into a Debate about a Meaſure, the Event of which muſt, in ſome Degree, influence Poſterity in the Judgment that they ſhall form of the Wiſdom of the Britiſh Government during his preſent Majeſty's Reign. The Wrongs we have recieved from Spain have been great, and the preſent Age expects that the Satisfaction we are to receive, or the Revenge we are to take for theſe Wrongs, will be great alſo. Future Ages, Sir, in caſe the preſent is diſappointed in this Expectation, will look upon us as a diſpirited, corrupted, mean People; in ſhort, they will look upon us in the ſame Light in which ſome Gentlemen take the Liberty to repreſent the Miniſtry. But, Sir, if on this Occaſion his Majeſty's Miniſters have obtained more than ever on like Occaſions was known to be obtained; if they have reconciled the Peace of their Country to her true Intereſt; if this Peace, Sir, is attended with

with all the Advantage that the moſt ſucceſsful Arms could have procured, as I hope to make appear, I will be bold to ſay, that future Ages, always impartial in their Cenſure or Praiſe, will conſider this as the moſt glorious Period of our Hiſtory, and do that Juſtice to the Counſels which have produced this happy Event, which every Gentleman who diveſts himſelf of Paſſion and Prejudice is ready to do, and which I have great Reaſon to believe the preſent Age, when rightly informed, will not refuſe.

'This Houſe and Parliament, Sir, is his Majeſty's greateſt, ſafeſt, and beſt Council. A Seat in this Houſe is equal to any Dignity deriv'd from Poſts or Titles, and the Approbation of this Houſe is preferable to all that Power, or even Majeſty itſelf, can beſtow: Therefore when I ſpeak here as a Miniſter, I ſpeak as poſſeſſing my Powers from his Majeſty, but as being anſwerable to this Houſe for the Exerciſe of thoſe Powers. I have often, Sir, on other Occaſions, profeſs'd my Readineſs to ſubmit to the Juſtice of my Country, and ſhall chearfully acquieſce in the Judgment this Houſe ſhall form of our Negociations; becauſe while I do that, I am ſure to ſuffer no Wrong. But, as the beſt and moſt equitable Intentions may be perverted by Miſrepreſentation of Facts, and as the moſt impartial Mind is ſuſceptible of Prejudice when artfully inſtill'd, I hope it will be look'd upon as a proper Piece of Juſtice done to myſelf, if I ſhall endeavour, by ſtating one or two Facts, to ſet this Affair in a Light that may remove all Objections.

'The chief Conſideration, Sir, that ariſes from the preſent Queſtion is, Whether, as Great Britain is now circumſtanced, it had been more proper for the Government to have enter'd into a bloody and uncertain War, or to lay ſuch a Foundation for a Peace, as no Gentleman can regularly pronounce is not a ſafe and honourable Foundation. In order to conſider this Queſtion rightly, we muſt take a View of the Advantages we could propoſe to ourſelves in caſe of a War with Spain, and in caſe that War was even to be ſucceſsful.

'I know that Gentlemen, who are otherwiſe very candid upon this Point, are apt to imagine, from the military Glory of this Nation, that our Arms are invincible: And I own, Sir, that this is a moſt prevailing Argument, eſpecially in a popular Aſſembly. There is ſomewhat in it, that flatters the Ambition which People generally entertain of acquiring Fame and Riches by the ſame Means that raiſed their Anceſtors. In the Hiſtory of our Wars with Spain, we ſee great Navies defeated, great Treaſures, and ſtill greater Glories, acquired by our Soldiers and Sailors. But in the mean while, we never reflect that the Situation of Affairs

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betwixt Britain and Spain is intirely different from what it then was. Spain at that Time was the Dread, was the Envy of Europe; as ſhe had then powerful Armaments, which excited the Courage of the Brave, and immenſe Treaſures, all her own, that prompted the Avarice of the Rich. She had not one Ally in the World who bore her Good-will enough to aſſiſt her with any Zeal, and her Views were ſo dangerous, that her Enemies borrowed Courage from Deſpair.

'At preſent, Sir, if I may advance a Paradox, her greateſt Security lies in her viſible Weakneſs. The Preſervation of the Spaniſh Monarchy entire and undiſmember'd, has, for almoſt an Age paſt, ſeem'd to be the general Inclination of all the Powers in Europe, becauſe, were the Riches that flow into Spain, to fall into the Hands of any other People, the reſt of Europe muſt ſoon be drain'd of all its Treaſure. Whereas, at preſent, there is ſcarce any Nation in Europe, who has not a larger Property in her Plate-Ships and Galleons, than ſhe herſelf has. It is true, all that Treaſure is brought home in Spaniſh Names, and the King of Spain generally impoſes a large Indulto upon it; but Spain herſelf is no more than the Canal through which theſe Treaſures are convey'd all over the reſt of Europe. Should therefore we pretend to ſeize theſe Treaſures, we could not fail to meet with a powerful Oppoſition. Even our beſt Allies, Sir, I am afraid would look with a very indifferent Eye upon ſuch a Step, and be the firſt that would enter their Complaints againſt it.

'But I have heard it objected, that if this is a good Reaſon now for our not endeavonring to diſtreſs Spain by intercepting her Treaſures, the ſame Reaſon will always exiſt; ſince the other Powers of Europe will always have a Property in theſe Ships: therefore there never can be a Time proper for us to do ourſelves Juſtice in caſe we are denied it by Spain. I think this Argument rather plauſible than ſolid. For my own Part, Sir, I am of Opinion, that though this would not have been the proper Time for ſuch a Step, yet it is not impoſſible but that a Time may come when ſuch a Step may be proper and neceſſary. But give me Leave to ſay, that this Neceſſity can ariſe only from our ſuffering more from the Violence and Injuſtice of the Spaniards, than we can ſuffer from a Confederacy of all the reſt of Europe taking their Part. It never can be proper, Sir, for us to ſeize the American Treaſures, until their Court ſhall abſolutely deny us Juſtice, and tell us in downright Terms, that ſhe is reſolved to have no Regard to Treaties, and that ſhe is determined to do all ſhe can to ruin our Trade, and

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to diſturb us in the Poſſeſſion of our American Dominions. If ſhe ſhould proceed, Sir, to that Height of Injuſtice, we might very naturally conclude, that here our All was at Stake; that if we ſhould look tamely on while our American Commerce was ruin'd, our European muſt ſoon follow; for there is not a petty Republick, a petty Prince, in all Europe, who will pay any Regard to a People who ſuffer ſuch Inſolence, ſuch Injuſtice, without reſenting it; and that, if all our Trade is gone and ruin'd, the Nation is in effect undone. Therefore we have nothing in the worſt Event to fear, worſe than what muſt unavoidably happen if we ſuffer this Treatment any longer. I ſay, Sir, when we ſhall be brought thus low, and when the Spaniſh Inſolence ſhall run ſo high as to render this Way of Reaſoning juſt and natural, then is the Time for us to venture upon ſo bold, I had almoſt called it ſo deſperate, a Step as the ſeizing the Spaniſh Treaſures. But, will any Gentleman take upon him to pronounce, that the preſent Juncture comes within this Deſcription, or that its Circumſtances admit of any Parallel with thoſe of the Time I have juſt now figur'd? No, Sir; Spain, far from ſupporting any juſt Claims that are inconſiſtent with the Intereſt of this Nation, has actually relinquiſhed thoſe ſhe before ſet up: She has actually, I ſay, Sir, relinquiſhed Claims which ſhe maintained for theſe threeſcore Years paſt I believe I may go higher, I may ſay, ſhe has now, by this very Convention, relinquiſhed a Claim which ſhe has maintained ever ſince ſhe poſſeſs'd her American Dominions. But that is not all, ſhe has not only given up this Claim, but has paid Damages for the Injuries which the Britiſh Subjects have ſuffer'd, in conſequence of her pretended Rights, as founded upon this Claim. This, Sir, is ſuch a Point gain'd, that Gentlemen muſt be wilfully blind, if they don't ſee that any Adminiſtration in Britain muſt have been mad, had they deſperately plung'd their Country into a War, while it was in their Power to conclude a Peace, where this great, this deciſive Conceſſion was to ſerve as the Foundation. Upon what Grounds, Sir, could we have proceeded to Extremities with Spain? Had we pretended that, becauſe ſome of our Merchants had ſuffered by the Injuſtice and Rapaciouſneſs of her Subjects, therefore we were reſolved to be deaf to every other Way of making up the Difference that follow'd upon this Injuſtice, than that of the Sword: Had we made ſuch a Declaration, and ſuch a Declaration we muſt have made if we had gone to War, would not Spain have had a very plauſible Pretext for intereſting the other Powers of Europe in her Favour? Might ſhe not then have told the French Court, 'It is true, ſome of the Britiſh Mer-'chants ſuffer'd by my Subjects, but without my Knowledge, 'and againſt my Intention; but I was no ſooner inform'd of

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'the true State of the Affair, than I offer'd her all imaginable Satisfaction; I even offered to indemnify the Merchants for the Loſſes they have ſuſtained; I offer'd to tie myſelf down to a ſtrict Obſervance of Treaties; but it ſeems that theſe Conceſſions do not anſwer the Views of Britain. She therefore certainly entertains ſome dangerous Deſign; ſhe is forming ſome Project that may be deſtructive to your Intereſt, and which I ſhall never be able to diſappoint but by your Means.'

'This, Sir, I ſay, would have been the Language of Spain, had the Adminiſtration here rejected all her Offers, and turn'd its Back upon the moſt favourable Propoſals. The Court of France, in the mean Time, ſhews too plainly, by her own Conduct, what her Senſe of the Matter is. She ſhews plainly that ſhe is of Opinion, the Spaniards may ſeize a Ship on the open Seas, and that ſuch a Ship, if concern'd in an unlawful Trade, may be brought into the Spaniſh Ports, and there condemn'd. I ſay, that France, is plainly of that Opinion, becauſe we know that Ships belonging to her were actually taken and confiſcated by the Spaniards; nay, Sir, I can venture to affirm, that Seizures have been made of French Veſſels, as much in Violation of all Treaties and Juſtice, as any Britiſh Subject ever yet had Reaſon to complain of; but we never heard that France reclaim'd thoſe Ships. I don't know whether that happen'd becauſe her Miniſtry was of Opinion that theſe Seizures were juſtifiable, or becauſe they thought it would be impolitic to embroil themſelves with Spain on account of any private Quarrel. I don't at all deny, that we have ſuffer'd a great deal more from the Spaniards than the French have; but I mention this to inform the Houſe that, in all Appearance, the French would have been our Enemies, had we gone to War before we had treated; and if we had rejected all Terms of Accommodation, or inſiſted on thoſe Terms that no People, not abſolutely reduced, would have granted.

'Even the Dutch, Sir, who depend as much upon Trade as we do, have never thought fit to come to Extremities, tho' their Sufferings are as great, and as unjuſtifiable, as ours are. They have been contented to make Applications, and repeat Remonſtrances at the Court of Spain; but we have never yet heard of their being able to obtain ſo much as a Cedula to American Governors for the Reſtitution of one Ship of theirs unjuſtly ſeized. We, Sir, it is well known, have obtained many; and if ſome of them had not the deſired Effect, I am convinced it was owing n
of the Governors themſelves, than to the I
Spaniſh Court. So that I cannot ſee, upon
Gentlemen proceed, when they repreſent

Adminiſtration ſo weak, that ſhe has been for theſe twenty Years paſt forc'd to put up with the groſſeſt Affronts and Injuries, without the leaſt Satisfaction or Reparation. Had the Dutch obtained as much as we did even before this Convention, I am convinc'd, that they would have been perfectly contented. I am convinc'd their Government would not have indulged the Complaints of private Traders ſo far, as to make a public Enquiry, which might have occaſion'd a Rupture; nor would their Miniſters have inſiſted on immediate Satisfaction. They know too well, Sir, that very great Abuſes are daily committed in the American Trade; they know too well that publick Complaints and Remonſtrances might produce an Enquiry that would turn out no way in their Favour.

'After what I have ſaid, Sir, is it to be imagin'd that any of our Neighbours would have been well pleaſed, had we all at once, without hearing, or at leaſt weighing the Terms propoſed by Spain, come to Extremities? The French, ſo far from countenancing ſuch a Conduct in us, would not, I am afraid, have been prevailed upon to remain neutral. And however Gentlemen may flatter themſelves, however great an Opinion they may entertain of the Power of this Nation, we are not invincible. The French have Men; they have Money; they have Allies to ſupport them. The Spaniards have Revenge; they have Pride; they have Reſentment to gratify. Gentlemen won't find that it would have been an eaſy Matter for us to have grappled with both theſe Powers, ſupported by ſuch Advantages, and prompted by ſuch Motives. I believe our Land-Forces are equal to any Body of Men in the World of the like Number; but I have not ſo good an Opinion of them as to venture the Honour and Intereſt of a whole Kingdom on the Bravery and Skill of the ſmall Handful which we keep, againſt the vaſt Bodies of well-diſciplin'd Veteran Troops, which France and Spain in conjunction can bring into the Field.

'As to the Dutch, they in all Probability would have been determined by the Conduct of France, in caſe we had come to an open Rupture with Spain. Every Gentleman here is ſufficiently ſenſible of the preſent low Circumſtances of that Republick. The late glorious War left them prodigiouſly involved in Debt; this Debt obliged them to encreaſe their Taxes, and disband all their Troops, excepting what are abſolutely neceſſary to keep up their Garriſons. Their Fleet lies in their Harbours in a very bad Condition, and requires more Money than they can furniſh to rig it out. Beſides, Sir, it would at this time have been extrem[illegible] ous to herſelf, had [illegible] acted for [illegible] t of the French; who which they

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they can with almoſt no Expence or Danger march down into Holland. At this Time, Sir, the Emperor is no longer in a Condition to give any Diverſion that Way. His own Army and Finances are in the utmoſt Diſorder And the other Powers, who may be inclinable to prevent ſuch an Attempt, lie at too great a Diſtance, and have too ſtrict Engagements with France, for us to expect any Diverſion from them. Thus, Sir, if we argue upon the Principles of Reaſon, if human Foreſight can determine any Thing, if the ſtrongeſt Probability is to have any Weight, it muſt have been impolitick and imprudent in us to have hazarded a War, ſo long as we had any Proſpect of concluding an honourable Peace

'I ſhall now beg Leave, Sir, to conſider what Effect a precipitate Declaration of War muſt have had at Home In the firſt Place, our whole Spaniſh Trade muſt have ſunk at once; our Portugal Trade muſt have been greatly embarraſſed, and our American very much endangered. Suppoſe that the Adminiſtration had joined laſt Seſſion in the popular Outcry for War; and that a vigorous War was actually entered into; Can any Gentleman ſay that this would have ſtopt the Mouths of thoſe who are reſolved to find Fault at any Rate? In ſuch an Event, may we not eaſily imagine to ourſelves that we hear a violent Oppoſition Man declaiming on the Benefits of Peace; telling the World that a trading People ought by all manner of means to avoid War; that nothing is ſo deſtructive to their Intereſts, and that any Peace is preferable, even to a ſucceſsful War? He might argue, the Spaniards have offered fair and reaſonable Terms: They have even offer'd to indemnify our Merchants for the Loſſes they have ſuſtained. They have offer'd an amicable Meeting to adjuſt all Points in Difference; they have offered to come into all reaſonable Terms; yet our Miniſtry, rather than liſten to what might have proved ſo beneficial to the Nation, has blundered into an expenſive and hazardous War.

'This, Sir, I own would have been blundering; and thoſe Gentlemen, once in their Life-time, in ſuch an Event, would have applied that Term right. It requires no great Art, no great Abilities, in a Miniſter, to purſue ſuch Meaſures as might make a War unavoidable. That is a very eaſy Matter; but, Sir, how many Miniſters have you had, who knew the Art of avoiding War by making a ſafe and an honourable Peace? How many Kings, Sir, have you had, who knew how to make Choice of ſuch Miniſters? If thoſe Gentlemen who are very fond of Parallels deſire to know what Figure we make in the Affairs of Europe at preſent, when compared with the Figure which we made in former Times, let them dip into our Hiſtory under James the Firſt, a Reign, famous for Negociations and Treaties:

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Let them compare, Sir, the Inſolence of Spain at that Time, with what it is now: Let them compare the Reſentment we then ſhew'd, with the Manner in which we have borne their late Treatment. If any Gentleman will do this, and do it impartially, he will find that the very worſt Treaty made under his preſent Majeſty is more advantageous, and more honourable, than the beſt that was made under that long pacific Reign. It will perhaps be thought that the Parallel ought to be run with the Days of Queen Elizabeth, rather than with thoſe of King James. But, as I obſerved before, that is a very falſe deluſive Way of Reaſoning. So many Circumſtances concurred to raiſe the Reputation of that Princeſs, that it is next to impoſſible they ſhould ever again meet in one Perſon, and at the ſame Time. She had to do with Neighbours, every one of which was of a different Intereſt from another: By artfully fomenting their Differences, it was eaſy for her to keep the Balance of Power in her own Hand. The many open and ſecret Attempts made by Traitors at home upon her Life and Crown, endeared her Perſon to her Subjects; and her Miniſtry, who found their own Intereſts inſeparably connected with hers, run all Riſques in her Service. It is true, they were great and wiſe Men, and they ſerved a great and wiſe Miſtreſs. But ſtill, Sir, give me leave, to ſay, that a great deal of the amazing Succeſs that attended her Reign was owing to Fortune. Had not the Winds and Waves fought more effectually for her at the Time of the Spaniſh Invaſion, than her Sailors and Soldiers, though it muſt be own'd, they were very brave Men, I am afraid the Character of her Reign would have ſuffered, and that not a little. The World, Sir, is very apt to judge of Meaſures and Characters by Events, and as Events depend on Fortune, it is the Part of a wiſe Miniſter to leave as little as poſſible to Fortune: Too much muſt be left to her, even in the moſt cautious Manner a Miniſter can act. In the Negociation we are now conſidering, Sir, had we acted in any other Manner than we have done, we muſt in effect have left every Thing to Fortune, ſince all the Reparation we could expect, by any other Means than thoſe of Negociation, depends upon a Thouſand Accidents, and is liable to a Thouſand Diſappointments. Therefore give me leave ſay, Sir, that the Succeſs which one Miniſtry has met with from the Favour of Fortune, is no Reaſon why another Miniſtry ſhould tread the ſame dangerous Paths, eſpecially when they can compaſs the ſame Ends by the more ſafe and more certain Way of Negociation.

'Upon the whole, Sir, I will venture to ſay that this Negociation has been the beſt conducted, and the moſt happily

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pily finiſhed, of any we meet with in Hiſtory. For we have not left the Payment of our Merchants to the Arbitration of Commiſſaries, or Plenipotentiaries; we have not accepted of an Order upon any of their Chambers in Spain; but we have expreſly ty'd down his Catholick Majeſty himſelf; we have obtained his great Seal as a Security for their Payment; and ſo tender was his Majeſty of his Subjects Property, that his Miniſters refuſed to enter into any Negociation relating to this Affair, till ſuch Time as Reparation for the Loſſes of our Merchants was fully and expreſly ſtipulated. Such an expreſs and full Stipulation is obtained, to the great Confuſion, I believe, and Diſappointment of ſome amongſt us, who, rather than not ſee their Country involved in a War, would be content that ſhe were involved in Calamities, and embroiled with every one of her Neighbours. Theſe Diſpoſitions are more dangerous to our Intereſts than all the Force of Spain; and it muſt be owing to theſe Diſpoſitions, if the Endeavours of his Majeſty for the Peace and Happineſs of Britain are rendered ineffectual. As yet we may thank Heaven, they had no other Effect than to unite the Friends of our moſt happy Eſtabliſhment more firmly together; and while they continue united, I hope the Efforts of Malice and Faction will be always diſappointed.

'But it is ſomewhat very ſurprizing, Sir, that this Addreſs ſhould meet with ſuch Oppoſition; for I don't ſee any Thing in it that can in the leaſt preclude Gentlemen from making what Objections they pleaſe to the Convention, when it ſhall be laid before them. We thank his Majeſty for the Succeſs of his Royal Endeavours in concluding a Convention, whereby Reparation is obtain'd for his injur'd Subjects, and Plenipotentiaries appointed for regulating all thoſe Grievances that have hitherto interrupted our Commerce and Navigation, and for removing all future Cauſes of Complaint. Are not all theſe very deſirable Conſequences of a Negociation? Is not Reparation for paſt Injuries one of the two Points we have always inſiſted on? And what can be more done towards obtaining Security againſt future Encroachments, than to remove all future Cauſes of Complaints by proper Regulations? But, ſay Gentlemen, this is only referred to Plenipotentiaries, whereas it ought to have been poſitively inſiſted upon, as a Foundation to all future Negociations upon that Subject, that the Spaniards had no Right whatſoever to ſearch our Ships upon the open Seas. Really, Sir, no Gentleman in this Houſe would have been better pleaſed than I, had Spain thought fit to have given up this Point by a clear and poſitive Renunciation. But when two People treat upon an equal Foot, I believe it very hard to produce any Inſtance wherein one Party could be brought to

give

ive an abſolute Renunciation of a Point which they once in-
ted on as their Right, and to give ſuch a Renunciation too,
ven before it was ſo much as examined into, whether they
ad ſuch a Right or not. The Spaniards have uſurped
Claim of ſearching our Ships for many Years paſt; for
any Years, Sir, before the preſent auguſt Family came to
e Throne; for many Years before I was concerned in publick
ffairs: And are we to imagine that they will give up this
laim by a poſitive Renunciation, even before we give them
y Reaſon why it ought to be aboliſhed? I ſay, Sir, are
e to imagine that Spaniards will do this, a People who are
ſtinately fond of Power, and even of the Shadow of it?
People ſcrupulouſly attached to formal Enquiries and Diſ-
ſſions? I do not know, whether after a War ſucceſsfully
rried on by us, we could have made them yield to any
reaty to which a poſitive Renunciation was to be the Pre-
minary. At leaſt I remember to have read, that notwith-
nding their being reduced to the loweſt, the moſt deſpicable
ircumſtances, at the Time the American Treaty was con-
uded; yet all the Art, all the Threatening, all the Repre-
ntations of our Court and Miniſtry at that Time, could
ot induce them to confirm our Right to Jamaica by a poſi-
ve Renunciation of that Iſland in our Favour. How un-
aſonable then is it to expect that Spain would have hear-
ened to any Accommodation, where it was laid down as
Preliminary, that ſhe ſhould give up a Claim which ſhe
ad immemorially poſſeſs'd, and which ſhe look'd upon,
erhaps, as abſolutely neceſſary to the Preſervation of her
ntereſt in America?

'Thus, Sir, I have, I hope, ſet this important Objection
n a clear Light. I don't know what Effect it may now
ave upon Gentlemen, but the Reaſons I have given againſt
he preremptory Method of Proceeding had ſuch a Weight
vith me, that I did not make the leaſt Difficulty in agree-
ng to this Convention. I will venture to ſay, that when it
vas concluded, I thought it my Happineſs that the Nation
vould look upon the Influence I have in the Government as
ne of the principal Means that brought it about. Nay, I
hould not be ſorry if it was looked upon as a Meaſure en-
irely my own. But, Sir, whether this Convention is a
ood or a bad Meaſure, a few Days will determine. Whatever
Judgment this Houſe may think fit to paſs upon it, I hope the
Addreſs, as mov'd for without the Amendment, will be agreed
o. We have great Reaſon to believe that this Convention
is for the Honour and Intereſt of the Nation; we have as
yet no Reaſon to believe the contrary, and therefore no
Reaſon to oppoſe this Addreſs. Laſt Seſſion, Sir, I remember
hat I undertook to be anſwerable for the Meaſures which

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the Government ſhall purſue while I have the Honour to be a Miniſter. I am prepared to make good my Promiſe, deſire no more than a fair Hearing; and this I hope will be deny'd me. But, Sir, if Gentlemen may, by agreeing to the Amendment, raiſe a Prejudice without Doors against the Convention, and perhaps with ſuch a Ferment, as will in the Event give them great Uneaſineſs; in ſuch a caſe many who, I know, are otherwiſe Friends of the Government would be ſorry to find themſelves inſtrumental in heating the People to ſuch a Degree, as to admit of no Reaſoning upon this Subject, and thereby render a War unavoidable. This, Sir, I am afraid would be the Conſequence of our agreeing to this Amendment; and it is a Conſequence which every Man who underſtands, and deſires to promote the Intereſt of his Country, wiſhes to ſee avoided.'

George Lyttelton Eſq; *

Mr. Lyttelton.

Sir,

'I am very ready to agree, with the honourable Gentleman, that Poſterity will judge of the Figure which we make in the Affairs of Europe from her Behaviour in this Juncture: There is no Doubt that if we have entered into a ſcandalous Negociation with Spain, Poſterity will think that we have a very weak Miniſtry. But let the late Negotiations that have been carried on with that Court be never ſo honourable for this Nation, I am afraid Poſterity will not be perſuaded that we are at preſent bleſſed with a very firm diſintereſted Miniſtry. Taking the right honourable Gentleman's Account of this Negociation to be genuine, and that we have made a ſafe and an honourable Convention, I believe Poſterity will be apt to enquire by what Means, by whoſe Management, the Reputation and Power of Britain were ſunk ſo low as to be forced, after ſuffering a Series of Inſults and Injuries during almoſt 20 Years, to think herſelf happy in procuring Common Juſtice to her Subjects from a Power always found inferiour to her own. Poſterity, I am afraid, Sir, will be at a Loſs to account for the Management that reduced Great Britain ſo low as to be obliged, even before ſhe could obtain this bare Piece of Juſtice, to fit out Fleet at a vaſt Expence, to ſend this Fleet abroad, to keep on the Coaſts of Spain, and at laſt, to take up with a Convention, wherein no Regard has been had to all this vaſt pence, and not a Shilling ſtipulated to defray it. Sir, I that when the honourable Gentleman was diſplaying his partiality and Candour, he ſhould have favoured the H with his Thoughts in what Manner Poſterity will acc for all theſe Circumſtances, without taking it for gra that ſome Part of the Blame lies at the Door of our Mini

* *Secretary to his Royal Highneſs the Prince of Wales.*

'The ſame right honourable Gentleman, in ſtating his Arguments againſt the Amendment, ſaid, that all Hiſtory could not furniſh an Inſtance wherein a People not only own'd themſelves in the Wrong, but actually paid Damages. I cannot ſay, Sir, that I can at preſent bring particular Facts and Parallels to diſprove this Aſſertion; but I dare ſay there is no Gentleman ever ſo little verſed in Hiſtory, who does not know that there is nothing more common than for one Nation to indemnify another for the Expence of a War, or even the Preparations of a War. Let us conſider, Sir, how either of theſe Caſes differs from what lately was the Caſe betwixt us and Spain. We were not, it is true, in a State of open War; ſo far from it, that the Spaniards were, during the Time of their moſt violent Depredations, our faithful Allies; we careſſed them, and they were ſo very obliging to us, that they accepted of all the Offices of Friendſhip and Kindneſs, which we ſo profuſely heap'd upon them. They were even ſo civil as to accept of our Aſſiſtance in placing a Son of their Family upon the Throne of an independent Kingdom; but in the mean time they took care not to give us one Opportunity of ſhewing our Complaiſance in the ſame Manner. I need not deſcend into Particulars; Gentlemen, I believe, have not forgot what was proved at the Bar of this Houſe laſt Seſſion; they have not forgot the Inhumanities and Inſults practiſed on our Fellow Subjects by this haughty Neighbour. Now, Sir, will the right honourable Gentleman ſay, that becauſe the Spaniſh Barbarities and Injuries were committed at a Time when we were not only at Peace with them, but ſhewing them the moſt exceſſive Marks of Friendſhip, therefore it was unprecedented that they ſhould make any pecuniary Acknowledgments for our real Damages? Will he pretend that our Miniſters, for that ſame Reaſon, ought not to have inſiſted on having ſome Reparation for the Injuries our Sailors have received in their Perſons, and ſome Satisfaction for the wounded Honour of this Nation? Let us ſuppoſe, Sir, that we had ſhew'd our Reſentment by repelling Force by Force, and that we had, as we ought to have done, enter'd immediately into a vigorous War. We ſhall ſuppoſe, Sir, that an Accommodation was ſet on foot, and Plenipotentiaries on both Sides appointed. I ſhall in that Caſe appeal to every Gentleman, who knows the leaſt either of the Hiſtory of his own or any other Country, if the Spaniards could have objected to us, that our being indemnify'd, not only for preceding Damages, but even for our Expences of War, was unuſual and unprecedented. It is a m that is made almoſt in every Negociation that folupon a War, and is commonly admitted. Now, Sir,

and our Satisfaction the more ample.

'However, Sir, I entirely agree with the Gentleman when he ſaid, that if we look over tories of Europe, we ſhall not find one People mages to another in the Manner (the honourable muſt mean) ſtipulated by this Convention. I beli not, Sir, becauſe if we look over all theſe H ſhall not find any Parallel to this Convention ſhall not find that any People, without ſhewing t ſentment, but in the Memorials of their Mini tamely for ſo long a Time born ſuch Treatmen their Miniſtry were at laſt ſatisfied with a wherein no more than bare Reparation for t mages of their Subjects was ſtipulated. His deed, has told us in his Speech, that Plenipotenti meet and ſettle every thing upon the Foot ſubſiſting betwixt the two Crowns. Is this, Sir, a Point gained, that we are to treat with Spain up Foot? The ſimple Conſideration of this, Sir, Opinion a full Anſwer to all that the right honou tleman has advanced. He has allowed that have been very great, and he ſays that our ought to be adequate to our Wrongs.

'Now, Sir, as it is undoubted that we ha greatly, I own that I don't think myſelf at Liberty in any Shape, of the Meaſures that have been obtaining us Satisfaction, till my Judgment is ſuff formed that theſe Meaſures have been both ex ſucceſsful. When the Convention ſhall be laid

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'I cannot take my Leave of this Subject, Sir, without making ſome Obſervations upon what fell from the right honourable Gentleman, with regard to what he ſaid of the Reign of James the firſt. That Reign was the pooreſt, the weakeſt, and the moſt diſgraceful in the Engliſh Hiſtory: And what have they to anſwer for, Sir, who have reduced this Reign ſo low, as to admit of a Parallel with that of James the firſt? This Convention, Sir, from all we yet know of it, may one Day ſwell the Charge againſt thoſe who have brought us to this Paſs; and, till I am more thoroughly acquainted with its real Merits, I am entirely againſt taking any Notice of it at all.'

Sir John Hind Cotton.

Sir John Hind Cotton

Sir,

'I ſhould be glad if the right hon. Gentleman, who ſpoke laſt againſt the Amendment, would inform the Houſe what greater Security we have for the Performance of this Convention than we have had for the Performance of every Treaty we have for theſe twenty Years paſt entered into with Spain. I ſpeak this upon the Suppoſition that the Convention is in our Favour, and that it anſwers all the juſt Demands of the Nation. The right honourable Gentleman ſaid, indeed, that we had now obtained the Great Seal of Spain. Really, Sir, I believe the Great Seal of Spain to be a very pretty Thing; I believe we have obtained ſomewhat that may do very well to divert a Boy or a Girl; but I don't ſee how the Great Seal of Spain can be any greater Security to us for the Preſervation or Recovery of our Rights, than what we had before by the Treaties in Force. Was not the Great Seal of Spain affix'd to all theſe Treaties? Do we find that the Spaniards pay any Regard to it? And has the right honourable Gentleman given the Houſe any one Reaſon why we ſhould believe that they will pay any Regard to this Convention, ſuppoſing it is in our Favour? Therefore Sir, till I am informed in what Manner the Rights of this Nation are better ſecured by this Convention than they were by former Treaties, I muſt be for the Amendment.'

Sir John Barnard.

Sir John Barnard.

Sir,

'I ſhall not detain the Houſe, as it is now late, in entering very far into the Merits of this Convention; but I cannot help obſerving that it ſeems to me to be a very extraordinary Meaſure. All I can find that has been done by it, is a Sum of Money obtain'd for our private Merchants. Every Thing elſe is referred to a future Diſcuſſion, whoſe Event is very uncertain. It is true, that this Addreſs, as it ſtands without the Amendment, ſeems to point out, it gives at leaſt ſome Hints of what will be the Buſineſs of theſe Gen-

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tlemen the Plenipotentiaries when they meet. It is there ſaid, Sir, that they are appointed for regulating Grievances and Abuſes. I have many Times heard of removing Grievances, but I think this the firſt Time I have met with ſuch an Expreſſion as regulating them. The Regulation of Grievances muſt imply that ſome Conveniency attends them, and therefore it is proper they ſhould exiſt, provided they are regularly impoſed. Therefore, Sir, I own that I cannot conſent to our inſerting any ſuch Expreſſion in an Addreſs from this Houſe to the Throne.'

The Addreſs carried without the Amendment.

The Queſtion being put, the Addreſs was upon a Diviſion carried without the Amendment: Ayes 230, Noes 141.

Diviſion Yeas 339, Noes, 141.

February. 5. Mr. Speaker reported to the Houſe his Majeſty's Anſwer to their Addreſs; which was as follows:

Gentlemen,

" I return you my Thanks for this dutiful and loyal " Addreſs, and you may be aſſured, that I will uſe my " beſt Endeavours to bring this important Affair to a ſpeedy " and happy Concluſion."

February. 6. The Houſe came to the following Reſolutions, viz.

That an humble Addreſs be preſented to his Majeſty, that he will be graciouſly pleaſed to give Directions that there be laid before this Houſe, I. Copies of all Repreſentations, Memorials, or Petitions, made to his Majeſty, or his Secretaries of State, ſince the Treaty of Seville, relating to any Loſſes ſuſtained by his Majeſty's Subjects, by Depredations committed by the Spaniards in Europe and America, which have not already been laid before this Houſe.

II. Copies of all Repreſentations, Memorials, or Petitions, made to the Commiſſioners for executing the Office of Lord High Admiral of Great Britain, or Commiſſioners for Trade and Plantations, ſince the Treaty of Seville, relating to any Loſſes, *ut ſupra*.

III. Copies or Extracts of any Letters from any of the Britiſh Governors in America, his Majeſty's Miniſters in Spain, and Conſuls in Europe, to the Secretaries of State, Commiſſioners for executing the Office of Lord High Admiral of Great Britain, or Commiſſioners for Trade and Plantations, ſince the Treaty of Seville, relating to any Loſſes, *ut ſupra*.

IV. Copies or Extracts of any Letters from any Commanders in chief, or Captains of his Majeſty's Ships of War, to the Secretaries of State, Commiſſioners for executing the Office of Lord High Admiral of Great Britain, or Commiſſioners for Trade and Plantations, relating to any Loſſes ſuſtained by his Majeſty's Subjects ſince the Treaty of Seville, by Depredations, *ut ſupra*.

Then

Then Mr. Sandys ſpoke to the following Effect:

Mr. Sandys.

Sir,

'The Reſolutions which this Houſe has now come to, are in my Opinion extremely proper. It is very proper that we ſhould ſee all that has been offered from our Merchants by way of Complaint, or Repreſentation to the Government ſince the Treaty of Seville, relating to the Spaniſh Depredations. It is likewiſe very proper we ſhould know what Repreſentations have been made by our Governors, Miniſters and Conſuls abroad, upon the ſame Subject; and likewiſe every Thing that may have come from our Admirals, or Captains of Men of War. But give me Leave to ſay, Sir, that now you have come to all theſe Reſolutions, you are but half thro' what you ought to do upon this Occaſion; the moſt important Part is ſtill behind, and that is our knowing what Meaſures have been purſued in Anſwer to theſe ſeveral Applications and Repreſentations. Without our knowing this, Sir, it is impoſſible for us to judge either of the Sincerity and Diligence of our own Miniſtry at home, or how far the Inſolence and Injuſtice of the Spaniards have reached abroad.

'All theſe Points muſt be fully and clearly comprehended by this Houſe, before we can venture to proceed in giving our Opinion upon this Convention, which his Majeſty has been pleaſed to acquaint us of, and to promiſe that it ſhall be ſpeedily laid before us. If from what ſhall appear upon the Face of the Papers I intend now to move for, our Miniſters have done every Thing to prevent a War, without ſacrificing any Part of the national Honour or Intereſt; if it ſhall appear that they have ſtated the Differences betwixt Spain and us, in a true Light to that Court; if it ſhall appear that they have given the Spaniards no Encouragement, by their dilatory and irreſolute Way of Proceeding, to inſiſt upon their own Terms, and to go on in ruining our Trade and Navigation; I ſay, Sir, if all this ſhould appear, we can eaſily determine upon the Merits of this Preliminary Treaty, which we have accepted of. The Stipulations contained in it ought to be founded upon the Juſtice of the Claims of either Party; but if theſe Claims never have been made, or if they have been ſhamefully given up on our Part, and if this Conduct has encouraged the other Party, to oblige us to accept of a Preliminary, inſtead of a definitive Treaty, then the Queſtion with us, ought not to be how far the Spaniards, but how far our Miniſters are to blame.

'Beſides, I cannot conceive that the Papers, which you have already reſolved to addreſs for, can be of any Manner Service to us, or indeed that they can be intelligible to e Houſe, unleſs we ſhall ſee the Inſtructions that have been nt from hence to our Governors, Officers and Miniſters abroad;

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abroad; becauſe a great Number of the Complaints and Repreſentations contained in the Papers, which you are to addreſs for, muſt refer to, and ſometimes be founded on the Nature of theſe Inſtructions. Therefore I will be ſo free as to own, that I ſhall not be at the Pains ſo much as to look into any of the Papers we have reſolved to addreſs for, unleſs I ſhall ſee at the ſame Time the Papers, for which I intend now to move; and I ſhall think it very ſuſpicious, if any Gentleman ſhall oppoſe ſuch a Motion; becauſe I am ſure that there can be no Harm, in a Britiſh Houſe of Parliament's ſeeing all the Papers relating to any Tranſaction that is paſt, which have gone thro' the Hands of Britiſh Miniſters. Therefore, Sir, I take the Liberty to move,

Motion that Admiral Haddock's, &c Inſtructions be laid before this Houſe.

'That an humble Addreſs be preſented to his Majeſty, that he would be graciouſly pleaſed to give Directions for laying before this Houſe, Copies of all Letters written, and Inſtructions given by the Secretaries of State, or Commiſſioners for executing the Office of Lord High Admiral of Great Britain, to any of the Governors of the Britiſh Plantations in America, or any Commander in chief, or Captains of his Majeſty's Ships of War, or his Majeſty's Miniſter at the Court of Spain, or any of his Majeſty's Conſuls in Europe, ſince the Treaty of Seville, relating to any Loſſes ſuſtained by his Majeſty's Subjects, by Means of Depredations committed by the Subjects of the King of Spain in Europe or America, which have not already been laid before this Houſe.'

Horatio Walpole Eſq;

Sir,

Horatio Walpole Eſq

'The preſent Motion ſeems to contain two ſeparate Articles, and I ſhall beg Leave to offer my Reaſons to the Houſe, why I diſſent from both. One relates to the Letters and Inſtructions ſent to our Miniſters at the Court of Spain, our Conſuls in that Kingdom, and our Governors in America, and the other to thoſe ſent to our naval Officers. As to the firſt, Sir, I hope Gentlemen, before they agree to this Motion, will conſider, that in ſuch Differences as ſubſiſted lately betwixt our Court and that of Madrid, a Miniſter is furniſhed not only with publick but private Inſtructions, and theſe private Inſtructions commonly contain Things no Way proper to be communicated to the Court where he reſides. It has been many Times known in Negociations, that a Miniſter has been inſtructed publickly to inſiſt on very high Terms, and yet has had private Inſtructions to abate very much of theſe Terms, provided he could obtain an Equivalent, or compaſs a favourite View of his Court.

'I don't know, Sir, whether this is or is not the Caſe with regard to the Inſtructions ſent to our Miniſter at Madrid, becauſe I never had any Concern in our Tranſactions

with

with that Court; but, Sir, it is both very poſſible and very probable that it may be the Caſe, and if it is, his Majeſty will no doubt have very good Reaſon to be offended at an Addreſs, which, ſhould he comply with it, might lay open the moſt private Tranſactions of his Cabinet, and diſcover Secrets that ought, for the Good of this Kingdom, to be concealed. But the preſent Motion, not only includes Inſtructions given by our Miniſtry and Admiralty to our Plenipotentiaries at the Court of Spain, but likewiſe to all our Conſuls and Governors of our Settlements abroad. This might be attended with very bad Conſequences to the trading Part of the Nation. Gentlemen know very well, that, in caſe of a Rupture betwixt Spain and us, the Spaniſh Court immediately confiſcates the Effects of our Merchants reſiding there. It has therefore been always thought proper to let our Conſuls know, either by our Miniſtry here, or our Miniſter at Madrid, that as ſoon as the Differences betwixt the two Courts ſhall arrive at ſuch a Criſis, and not before, they are to give the Merchants notice to make the beſt of their Way with their Effects. Now, ſhould ſuch an Inſtruction as this come to the Knowledge of the Spaniards, it is a kind of Watch-word to put them on their Guard, and muſt unavoidably occaſion the ruin of Thouſands of our Subjects. It muſt have another bad Effect, Sir, by letting the Spaniards know the Ultimatum of our Demands and Conceſſions, and the Kingdom may thereby be depriv'd of many Advantages which ſhe might reap, were no ſuch Diſcovery made.

'I ſhall now examine the Propriety of this Motion, ſo far as it relates to the Inſtructions given by the Government here to our Admirals and Captains. Theſe Inſtructions, Sir, are very probably yet unfulfilled, and it would be doing a very imprudent Thing, ſhould we put it out of the Power of our Officers abroad to fulfil them; which muſt be the Caſe if they are now diſcover'd to the Public. Beſides, there is nothing more eaſy than to find Fault. Objections may be raiſed to the beſt concerted Plan that ever was laid down, and the Approbation which it meets with generally depends upon the Event. Therefore, Sir, it ought not all to ſurprize Gentlemen, if they whoſe Characters, perhaps their Lives and their Fortunes, depend upon the Succeſs of theſe Schemes, oppoſe the Motion. On the other hand, it muſt be ſurprizing to thoſe without Doors, as well as to us within, to hear that ſuch a Motion has been made in this Houſe. Have not the Miniſters been cried out againſt for not entering into vigorous Meaſures, as they are called; and ſhould we agree to this Motion, don't we take the moſt effectual Method to diſable them

Anno 12 Geo. II. 1738-39.

them from purſuing any Meaſure with Vigour? I am far from denying, that the Motion we are now conſidering, would be a proper Motion, if all Danger of a War were over, and if we had concluded a definitive Treaty with Spain: Were that the Caſe, there would be no Inconveniency in our addreſſing for theſe Papers, becauſe there would be no farther Uſe for the Inſtructions contain'd in them. But, that is far from being the Caſe at preſent. The Treaty that is concluded is a Preliminary, and the Concluſion of a definitive Treaty depends upon our Unanimity and Reſolution to purſue the ſame vigorous Meaſures that we would have done had this Preliminary never taken place. But, Sir, give me Leave to ſay, that if we ſhould agree to this Motion, we put ourſelves under an Incapacity of purſuing theſe Meaſures, becauſe we expoſe them to the Public, and thereby give Spain and her Allies an Opportunity of defeating them.

'There is ſtill another Inconveniency which muſt ariſe from our agreeing to the preſent Motion. We are to conſider, Sir, that though the Stipulation for our Merchants Redreſs is a poſitive Stipulation, yet that the Performance of it is in reality but eventual. I don't mean that there is any Ambiguity in the Terms of that Article in the Convention, or that any Event can happen which will juſtify the Court of Spain in refuſing to pay the Sum there ſpecify'd; but we all know very well, that Princes are often determin'd by Intereſt, without Regard to the ſtrict Laws of Juſtice and Equity. Now, if our expoſing theſe Papers ſhould afreſh embroil us with Spain; if ſhe ſhould imagine, upon being informed of their Contents, that ſhe could prevent our diſtreſſing her in the ſame Manner we might have done had they been kept ſecret; in ſuch an Event, Sir, who can anſwer for it that ſhe will not create Pretexts and frivolous Excuſes, to put off the Payment of the ſtipulated Sum? I am ſure, I have heard that Court charg'd in this Houſe with as groſs Violations of her Faith, and I dare ſay that if our agreeing to this Motion were to have that Effect, Gentlemen would think that they had a great deal to accuſe themſelves of.

'In the mean time, I am far from thinking that there will be no Occaſion for our ſeeing any Papers at all before we come to a Reſolution with regard to the Convention. I know we ſhall have Occaſion to ſee a great many, and we have no Reaſon to doubt that his Majeſty, as he has ordered the Convention to be laid before us, will likewiſe order thoſe Papers to be communicated to the Houſe which are proper for us to ſee. But, Sir, I think we ſhould act with great Precipitancy, ſhould we addreſs for any Papers that may draw a Refuſal from his Majeſty, and may occaſion an Interruption

ruption of that Union betwixt his Majeſty and this Houſe, which in the preſent Juncture of Affairs is our beſt and greateſt Security. Anno 12 Geo. II. 1738-39.

Sir John Barnard.

Sir,

Sir John Barnard.

' I have ſate long enough in the Houſe to hear many Debates on this Head, but I never knew one good Effect attend our giving a Negative to a Motion of this Nature. Did Experience tell us, that the Councils of a Miniſtry have been always more advantageous to the Nation than the Reſolutions of Parliament; had this Nation never found the Misfortune of being governed by a Miniſtry, who preferred their own Intereſt to her Honour; had there never been an Inſtance when the Interpoſition of Parliament reſcued the Nation from the wicked Effects of Mal-adminiſtration; then might I have had ſo much Confidence in the preſent Miniſtry, as to agree in my Sentiments with the honourable Gentlemen who ſpoke laſt. But, I have ſeen the Complaiſance of Parliament to the Miniſtry attended with ſo many bad Effects, eſpecially of late, that I think it is high Time for us to our alter our Meaſures, and to judge from what we ſee, and not from what we hear.

' I own all that has been ſaid rather confirms me to agree to the Motion, than otherwiſe. All that the honourable Gentleman has ſaid, in my Opinion amounts to this, that the Papers, now mov'd to be addreſs'd for, relate to an unfiniſhed Negociation, and therefore it will be doing an Indignity to his Majeſty to addreſs for theſe Papers; that it might likewiſe put Spain on her Guard, ſhould the Manner in which we are to attack them come to their Knowledge; and thereby the Ends of the Convention might be fruſtrated.

' The very Reaſon why this Motion ought to be agreed to, is becauſe theſe Papers relate to a Negociation that is ſtill in Dependance. Had the Negociation been finiſhed, the Reaſons for our agreeing to this Motion would not have been near ſo ſtrong with me as they are now. But, Sir, I have not heard yet any one Reaſon given, why the juſt Expectations of Parliament and the People have not been anſwered, and why we are not at preſent in a State of Certainty with regard to our Differences with Spain; why we are not carrying on either a vigorous War, or reaping the Advantages of an honourable Peace. Theſe are Conſiderations that offer to me, previous to all other Conſiderations. When once this Houſe is ſatisfied in theſe Points, it will be eaſy for us to come to a Reſolution as to every other Point that relates to this Affair. But theſe are Points we never can come to the Knowledge of without our ſeeing, in the firſt Place, the Papers

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now moved to be addreſſed for. I ſay, Sir, in the firſt Place; for if our Admirals and Captains have had no Orders to act with Vigour; if our Conſuls and Governors have had no Inſtructions to ſtand by the Rights of this Nation at all Events; or if they have been inſtructed, to wink at the Calamities of their Fellow-Subjects, and, as many ſuſpect, to connive at the Barbarities inflicted on them; then, Sir, the Houſe muſt be led into another Enquiry, by what Means it has happened that ſuch a Conduct has been obſerved. We are then no longer to wonder why the Spaniards have not been brought to do us Juſtice, and why our Merchants are ſtill expoſe to the Inſults of their Enemies.

'If, Sir, there had been any Compariſon betwixt our Strength and that of the Enemy, if the Spaniards had had the leaſt Pretext in Juſtice or Equity for the Barbarities inflicted on the Subjects of this Nation, ſome Excuſes might have been pleaded from the Imprudence of hazarding our Strength and Reputation on a doubtful Event; ſome Excuſe, Sir, might have been pleaded from the Injuſtice of ſupporting Claims that are inconſiſtent with the Treaties and the Law of Nations. But, ſince we are as evidently ſuperior in Strength, as in the Juſtice of our Cauſe, the Reaſons of our Forbearance ſince laſt Seſſion, and our accepting this Convention, muſt be attributed to ſome Cauſe of which the Parliament ought to be the Judges, and which, I am afraid, the Parliament alone can remove, Are we forever to truſt to the Courage and Honeſty of our Miniſtry? Are we never to interpoſe, and let his Majeſty know the Senſe of the Nation? Have we for theſe 20 Years paſt ever offered our Advice to the Throne upon any doubtful Exigency? Have we not as often as ſuch Advice was propoſed, been told, that we had no Reaſon to doubt the Prudence and Zeal of the Miniſtry; that it was an Affront upon his Majeſty for us to interpoſe in thoſe Points where the Crown by its Prerogative was to be the ſole Judge. Let Gentlemen, Sir, look over the Hiſtory of England, and they will find this is the Language that has brought on all the Inconveniencies which we have felt. This is a Language that honeſt Miniſters never uſe; it is the Language that wiſe Miniſters reject. Honeſt Miniſters would be glad of having an Opportunity to take Advice, better Advice than it is poſſible for them to give; and wiſe Miniſters never think themſelves ſo happy as when they have the Advice of Parliament, to give a Sanction to their Proceedings.

'As to the putting the Spaniards on their Guard, I am not ſo much either of a Soldier or a Sailor, as to pretend to determine preciſely what Weight may be in that Objection: But I have read a little, and have heard a great deal a

regard to the Management of a War betwixt us and the Spaniards: And, ſo far as I may be allowed to judge, there is but one Way in which we can poſſibly attack them, and that is by Sea. We have already fatally experienced the Effects of a Land War with Spain. It was indeed attended with Glory; it was attended with Succeſs; but, Sir, it was attended with an Expence which we feel to this Day. Therefore I think it is quite out of the Queſtion to ſuppoſe that any military Operations of ours againſt Spain, which were to have taken effect by Land, ſhould be diſcovered by our agreeing to this Motion. It is poſſible that we may diſcover by it, whether our Government deſign to act in earneſt. But I can ſee very little Advantage Spain can reap from this, though I think I ſee a great Benefit which muſt ariſe from it to Britain.

'We can never imagine, Sir, that the Spaniards have been ſo ſtupid as not to take all poſſible Precautions to defend themſelves in caſe of a Rupture. They know very well, I believe every Gentleman in this Houſe, every Man of common Senſe without Doors knows, where and in what Manner we can attack her, if we are in Earneſt. Therefore, Sir, I think it is of very little Conſequence whether the Spaniards ſhall come at the Knowledge of the Plan of the Operations or not. But Sir, I ſaid I could eaſily ſee an evident Advantage which our being well aſſured that the Miniſtry were in earneſt to act againſt Spain muſt be attended with: Such an Aſſurance would inſpire the People, I had almoſt ſaid, with a Veneration for the Miniſtry; I am ſure it would for his Majeſty; when they ſaw that they were reſolved to take Satisfaction for the Injuries we have received. This muſt be attended with the beſt Effects. The Opinion which the Subjects will then entertain of the Honeſty and Abilities of thoſe at the Helm, will make them contribute their Share of the Expence with Alacrity. Our Sailors, Sir, who have long acted with Reluctance, would then ſerve with Chearfulneſs. There would be then no Occaſion for preſſing Men aboard for our Navy. That Reluctance, Sir, ſo viſible in our Sailors, intirely proceeds from the numberleſs Diſappointments they have already met with; and give me leave to ſay, Sir, that there is no other Method of removing their Diſtruſt on that Head, than by our Government's letting the Publick ſee that they intend to act honeſtly and fairly, that they do not deſign to amuſe the World any longer with idle Parades, or ſham Expeditions.

'There is another good Effect, Sir, that our agreeing to this Motion muſt have; it will make Spain cautious how ſhe trifles any longer with us. Can any reaſonable Man believe, Sir, that if ſhe had thought we dared to act vigorouſly, ſhe

Anno 12 Geo. II. 1738, 39.

would have treated us in the Manner ſhe has done? She muſt be conſcious, that by herſelf ſhe is a very unequal Match for us, and that it is in our Power to humble her before ſhe can receive any Aſſiſtance from her Allies. Her Miniſters muſt be conſcious that we have been treated in a Manner that directly violates all the Law of Nature and Nations, and every Treaty ſubſiſting betwixt us and them. Give me leave to ask, Sir, from whence can the Motives of their Proceedings ariſe, if they do not ariſe from an Opinion of the Weakneſs and Irreſolution of our Miniſtry? But, Sir, our agreeing to this Motion will ſet them right in that Reſpect. I hope we ſhall ſee Inſtructions to our Admirals and Captains that will make the Spaniards, and all the World ſenſible, that we have Miniſters both too wiſe and too honeſt to be any longer trifled with. This, inſtead of obſtructing, muſt facilitate every Negociation with that Crown. As we want nothing of them but what is fair and right, they would be more ready to grant it willingly, when they find, if they refuſe, we are determined to command it by Force.

'But, Sir, as no Arguments are ſo good as thoſe drawn from Experience, I am ſorry to ſay that in this Caſe we have fatal Experience of the Reaſonableneſs of this Motion. I ſee many Gentleman here who may remember our Expedition under Admiral Hoſier. How many of our brave Seamen periſhed, how many of our beſt Ships rotted, and how much of the national Honour was loſt in that Expedition, is not my Buſineſs at preſent to enquire into; but I will venture to ſay, that it had been happy for this Nation, that either that Expedition had not been made, or that the Parliament had been before hand acquainted with the Nature of our Admiral's Inſtructions. But, Sir, this is a very ungrateful, a very melancholy Subject; therefore I ſhall only obſerve, that while the Memory of that Expedition is ſo recent in the Minds of the People, it will be impoſſible to cure them of their Suſpicions; it will be impoſſible to convince them that our preſent Meaſures are not in the ſame Strain they were then in, unleſs the Parliament is made acquainted with the Nature of the Inſtructions that have been given to our Admirals and Officers abroad.

'I have little more to add, Sir; but I cannot help obſerving, that there is a very wide Difference betwixt common Report, and the Arguments that have been advanced againſt this Motion. Theſe Arguments have been all built upon the Suppoſition that the Negociation with Spain is ſtill depending upon the Suppoſition that the Convention is no other than a Preliminary, and that we have ſtill a good deal to fear from Spain. But, Sir, if any Credit is to be given to common

Report,

Report, our Miniſtry are acting in a Manner which ſhews that they think all Differences with Spain are accommodated. If we are to believe common Report, Sir, they have ſo much Confidence in Spaniſh Honour and Faith, that they look upon a definitive Treaty to be as good as concluded, and have already recalled our Squadron from the Mediterranean Sea. I ſhall not warrant the Truth of this Report, Sir; but if it is true, in my humble Opinion it entirely overthrows all that has been advanced by the Gentlemen on the other Side. However, whether it is true or not, I think the Reaſons I have already given, and thoſe I have heard from my worthy Friends, are more than ſufficient to determine me in giving my Voice for the Motion.'

Sir Robert Walpole.

Sir,

Sir Robert Walpole

'If Gentlemen knew of how little Conſequence it is to the Intereſt of the Miniſter (for I ſee no Reaſon why I may not uſe that Word too) whether this Motion is or is not agreed to, they would think they had ſpent their Time very indifferently in this Debate.

'The honourable Gentleman who ſpoke laſt, ſaid, with that good Senſe which he always diſcovers when he ſpeaks either in publick or in private, that if at this Juncture we recalled our Fleet from the Coaſts of Spain, our Negociations with that Court ought to be looked upon as at an End, and conſequently that no Argument could ariſe againſt this Motion for our addreſſing for Papers relating to a depending Negociation. If that were the Caſe, if our Fleet was recalled, I ſhould be of the ſame Opinion: But, Sir, I can take it upon me to affirm that no ſuch Orders have been ſent, and that I never heard of any ſuch Orders before I heard them now. I believe, Sir, Gentlemen will not ſuſpect that Orders could have been ſent without my Knowledge; and they are miſtaken, if they think that I can have any intereſted Views in concealing them. However, Sir, I cannot omit taking Notice of the Views with which ſuch Reports are propagated, and how eaſy it is for the beſt Intentions in the World to be defeated by any malicious Fellow, who ſhall take upon him, from his own Conjectures, to affirm Things for Facts that never had any Exiſtence but in his own Brain. I am ſure the honourable Gentleman himſelf did not invent ſo improbable a Story; but, on the other Hand, I am ſure that with all the Diſcernment he is Maſter of, he was very much affected by it, and that if I had not taken this Opportunity of undeceiving him, moſt Gentlemen here might have believed it.

'That

Anno 15 Geo. II. 1739-40.

'That honourable Gentleman was pleaſed to bring the Caſe of Admiral Hoſier's Expedition, as a Parallel to our preſent Circumſtances. Sir, I am as much affected with the Hardſhips and Calamities which befel my Fellow Subjects in that Expedition as any Gentleman here; but no Prince, no Miniſter alive can guard againſt Accidents. If a Scheme is well digeſted, and properly executed, that is all which Miniſters can anſwer for: The Elements are not under our Direction, and tho' that Expedition did not anſwer all the Ends it was deſigned for, yet I believe the Nation feels the good Effects of it at this Day. It happened at a Time when the Situation of the Affairs of Europe was very different from what it is at preſent: But I need not deſcend to Particulars; I believe moſt Gentlemen preſent remember what the Motives of it were, and that as often as it came under the Conſideration of this Houſe, the Objections to the Conduct of the Miniſtry, on that Head, were always fully and ſolidly refuted.

'In ſhort, Sir, if the Spaniſh Treaſure at that Time eſcaped our Fleets, it was owing to Accidents which no human Foreſight could prevent, and may ſerve to let us ſee, that however ſome Gentlemen flatter themſelves with the Thoughts of always having it in our Power to bring Spain to our Terms, yet it is not ſo eaſy a Task as theſe Gentlemen imagine. Our Admirals and Captains at that Time, Sir, did their Duty, and I believe would have exerted their Courage too, had the Plate-Ships come in their Way. But their Eſcape at that Time is a Proof that neither the Goodneſs of Ships, the Number of Men, the Skill of our Officers, nor the Bravery of our Sailors can avail, when the Winds and the Weather favour the Enemy. If Gentlemen would make due Reflections upon this, I dare ſay they would be much cooler in their Debates and Proceedings upon thoſe Queſtions that relate to our Differences with Spain. Mean-time I think the Arguments which I have heard in Support of the Motion are not ſufficient to warrant my giving Aſſent to it.'

The Motion rejected. Upon a Diviſion Yeas 183, Noes, 113.

The Queſtion then being put, it paſſed in the Negative, 183, againſt 113.

Mr. Sandys moves for the Papers laid before the Court of Madrid.

It was then moved by Mr. Sandys, That an humble Addreſs ſhould be preſented to his Majeſty, that he would be graciouſly pleaſed to give Directions, for laying before the Houſe, Copies of ſuch Memorials or Repreſentations, as had been made, either to the King of Spain or his Miniſters, ſince the Treaty of Seville, relating to Loſſes ſuſtained by his Majeſty's Subjects, by Means of Depredations co[mmit]ted by the Subjects of the King of Spain in Euro[pe] America.

Henry Pelham Eſq;

Anno 12 Geo. II. 1738-39.

Sir,

Henry Pelham Eſq;

'After the Houſe, for very good Reaſons, had given a Negative to the laſt Motion, I did not expect to hear one of this Kind; becauſe the Reaſons for not agreeing to the laſt, hold, in my Opinion, much ſtronger for rejecting this.

'Gentlemen, before they make ſuch Motions as theſe, ought to conſider two Things principally; firſt, whether this Houſe has a Right by the Conſtitution to agree to Motions of this Kind, for calling for Papers while a Negociation is depending; and in the next Place, how far ſuch an Addreſs will be complied with on the Part of the Throne. His Majeſty by our Conſtitution certainly has a Right to make Peace or War, and conſequently, to take ſuch Steps as may enable him to do both with Honour and Succeſs; but if we call for thoſe very Papers that contain the whole Tranſactions with regard to either, Gentlemen are to conſider, whether this be not an Attempt to wreſt this Prerogative out of the Royal Hand, where it is now ſo well lodged. At the ſame Time, Sir, admitting we had ſuch a Power, if for Reaſons beſt known to his Majeſty, he ſhould refuſe to comply with our Addreſs, Gentlemen cannot but foreſee, that ſuch a Refuſal has often produced a Miſunderſtanding betwixt the Crown and Parliament; which on this Occaſion muſt produce the very worſt Effects.

'It becomes therefore, Sir, a prudential Conſideration with us at preſent, whether theſe Papers may not be of ſuch a Nature as to require the utmoſt Secrecy, and whether our agreeing to this Motion, may not defeat all the good Ends propoſed by the Convention; for as the Convention is no other than a preliminary Treaty to a definitive one, there muſt conſequently be a great Number of Points ſtill unſettled betwixt his Majeſty's Miniſters and thoſe of Spain, and therefore calling for the Copies of any Papers that are now, perhaps, lying before the King of Spain's Council, is calling for Papers that relate to an unfiniſhed Negociation. Beſides, Sir, the Papers that have been laid before the Court of Spain by our Miniſters, will neceſſarily diſcover a great Part of the Contents of thoſe Papers, which have been communicated to this Court by that of Spain. Making ſuch Papers publick, muſt be interpreted by Spain as an Affront done to her, it being an Indignity done to a Court, after a Negociation is concluded, to publiſh all the Demands which, either from a Miſinformation, or a Deſire to advance her own Intereſt, it may have made. This might make them ſhy of entering into any farther Negociation with a Court, that is capable of treating them ſo unhandſomely. Beſides, Sir, a wiſe Miniſtry will always conſider the Character of the

People

Anno 12 Geo. II. 1738-39.

People with whom they treat: If the Spaniards were under the ſame Form of Government with ourſelves; if they had the ſame Notions of Liberty, and the ſame Rights to ſecure it, the Motion would not have been ſo improper. But we are to conſider, that we have to do with the moſt jealous People under the Sun; we have to do with the Miniſters of an abſolute Prince over a Country where every Thing is tranſacted with the utmoſt Secrecy, and who would be ſtartled that any Paper of State ſhould be expos'd to public View: This, Sir, might render, not only Spain, but every Nation in Europe, averſe from entering into any Negociation with a People, who cannot keep their own Secrets, or thoſe of their Neighbours.

'I ſhall now conſider a little how conſiſtent ſuch an Addreſs would be, with the Regard and Decency we owe to his Majeſty. Give me leave here to obſerve, Sir, that nothing can contribute more to obtaining a Definitive Treaty, on a ſafe and honourable Footing, than a good Correſpondence betwixt his Majeſty and his Parliament; and nothing will be a greater Encouragement for Spain to inſiſt upon high Terms, and to be obſtinate in her Demands, than even the Appearance of Coldneſs between them. Now, Sir, if we ſhould reſolve to addreſs his Majeſty for theſe Papers, before we are ſure, that he will think fit to comply with our Requeſt, I don't know any Meaſure we could purſue, which might be more detrimental to the Public: They who are diſſatisfied with the preſent happy Eſtabliſhment, under the Colour of being diſſatisfied with the Miniſtry, will take Occaſion to inſinuate, that a Difference has ariſen betwixt his Majeſty and the Parliament: This Inſinuation will be induſtriouſly propagated amongſt Foreign Courts, till this Nation ſhall be in Danger of loſing much of that deciſive Weight which every good Subject would wiſh ſhe enjoy'd abroad. Nothing, Sir, could give Foreign Powers a fairer Opportunity of uniting among themſelves, than this Opinion; and ſuch an Union is what Great Britain ought by all Means to guard againſt. We ſhould not then have to deal with Spain alone; we ſhould ſoon ſee France entering her Claims likewiſe: I am not ſure but our good Allies the Dutch might endeavour to obtain ſome Conceſſions to our Prejudice: For, give me Leave to ſay, Sir, that the Union which has always ſubſiſted betwixt our Court and the Parliament, ſince the Acceſſion of the preſent illuſtrious Family to this Throne, has been the Means of our enjoying many Advantages in Commerce, unrival'd, and uncomplain'd of by our Neighbours: And Gentlemen ought to be very cautious how they give Occaſion for our Neighbours as to ſuſpect any Difference betwixt his Ma-

liament, when they reflect that there never was a Time when any Difference happen'd betwixt them, in which our Neighbours did not do all in their Power to improve it to their own Advantage.

' I have inſenſibly fallen again into the Conſideration of Foreign Affairs; but every Domeſtic Incident has ſuch an Influence upon our Foreign Situation, that it is almoſt impoſſible to ſeparate the Conſideration of one from the other. There is indeed one Conſequence entirely Domeſtic, that may attend our agreeing to the preſent Motion, and that is the Opinion it might give his Majeſty of the Wiſdom and Moderation of this Houſe. His Majeſty has always, in every public Tranſaction of his Reign, conſider'd the Parliament as his great Council; he has advis'd with us, he has paid a juſt Regard to our Sentiments, and has inform'd us of every material Tranſaction of his Reign. Now, Sir, if we don't, on our Parts, anſwer thoſe gracious Diſpoſitions; if we don't act within our own Sphere, his Majeſty has great Reaſon to think, that we requite the Deference and Eſteem he has always expreſs'd for us very ungratefully. He has inform'd us, that a Convention has been enter'd into with Spain; he has told us, it is a Convention for ſettling all Matters in Diſpute betwixt them and us, in ſuch a Manner as may, for the future, prevent and remove all new Cauſes of Complaint. He has likewiſe informed us, that the Convention ſhall be laid before us. If we ſhould agree to the preſent Motion, Sir, in what Manner ſhall we requite his Majeſty's Royal Endeavours for the Intereſts of this Nation? If, before we have come to any Reſolution about this Convention, before we have deliberated whether it is, or is not, for the Advantage of the Nation, we fall to examine into the Papers and Inſtructions that have, in order to bring it about, paſs'd betwixt his Majeſty's Miniſters, and thoſe of Spain? Nothing, Sir, can be a more prepoſterous Way of proceeding. It is telling his Majeſty, that we won't regard the Merits of the Convention, by itſelf; we will be determin'd in the Judgment we ſhall form of it, as we are pleas'd or diſpleas'd with the Conduct of the Miniſtry previous to its being concluded. Sir, give me Leave to ſay, that when this Houſe deliberates upon approving, or not approving any Meaſure, we are to conſider that Meaſure as it ſtands by itſelf; if we find it in itſelf to be a good Meaſure, we are to approve of it, and we are not to regard its Connection with any other Circumſtance. If we were to ſuppoſe that this Convention, which will be conſider'd in a Day or two, has been brought about by the moſt abandon'd Set of Men in the World; yet if we find it to be for the Public Good, we are not to enquire into,

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and cenſure the Means by which it was brought about. The beſt and the moſt reaſonable Method of Proceeding, and the Way in which this Houſe has always proceeded in ſuch Caſes, is to examine the Meaſure itſelf; and if it is found to be a deſtructive Meaſure, let us petition his Majeſty to have all the Papers relating to it laid before us, that we may inflict a ſuitable Cenſure upon the Adviſers and Managers of ſuch a Step: But if we find it a good Meaſure, I don't ſee what we could propoſe to ourſelves by calling for any Papers previous to it: unleſs it were to let his Majeſty ſee, that we are reſolv'd to fiſh for Faults, and to take upon ourſelves a Power unknown to our Conſtitution. I ſhall ſuppoſe that we are now to agree to this Motion; what might be the Conſequence? I am afraid ſuch as would give the Crown no very favourable Opinion of our Prudence and Candour. For his Majeſty may very juſtly conclude, that, being conſcious we could find no Fault with the Convention by itſelf, we were reſolved, rather than not find Fault, to fall upon his Miniſters for what they had done before it was concluded. This, Sir, give me Leave to ſay, might, with very good Reaſon, be looked upon by the Crown as a very great Piece of Diſreſpect, and be reſented by a Denial, which, I am ſure, would be very diſagreeable to his Majeſty, however juſt it would be in itſelf.

'I ſhall beg Leave only to add a very few Things to what I have already ſaid: It has always been the Rule of this Houſe, never to call for Papers relating to a Negociation while that Negociation is in Dependance. I know Gentlemen will conſider the Convention as a Negociation entirely ſeparate from the Definitive Treaty that is ſuppoſed to follow it; but I muſt humbly differ from thoſe Gentlemen. All Preliminaries, in their own Nature, have a Relation to the Negociations to which they refer; and it frequently happens, that Preliminaries contain the Subſtance of all that follows after; and that the ſubſequent Negociations are only to extend the Stipulations, and give them a more authentick Sanction: Tho' I am not to ſuppoſe that this is the Caſe with the Convention, yet no Gentleman, who has looked into it, but muſt ſee that, tho' it is not a definitive Treaty, yet all the material Points, upon which a Definitive Treaty is to proceed, have been adjuſted betwixt the Miniſters of the two Crowns by this Convention: Therefore the Inſtructions that have paſſed betwixt our Court and that of Spain, relating to the Convention, may very reaſonably be preſumed to relate likewiſe to the ſubſequent Definitive Treaty.

'This being the Caſe, by agreeing to the preſent Motion, we call for Papers relating to a Negociation ſtill in Dependance, and thereby aſſume to ourſelves a Right by no means belonging to this Houſe. We aſſume to ourſelves a Right

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of directing and of cenſuring the Conduct of his Majeſty's Miniſters upon a Meaſure that is not yet concluded; in ſhort, we aſſume to ourſelves a Right that is already lodged in the Royal Hands; in Hands, Sir, that have been always ſo far from making a bad Uſe of it, that this Houſe has always been Sharers in that Part of the Prerogative. Anno 12 Geo. II. 1738-39.

'My Oppoſition to this Motion, Sir, muſt by every Gentleman who judges impartially, be looked upon as proceeding from no Conſciouſneſs of any Thing amiſs in the Papers to be addreſſed for by this Motion; becauſe, if we ſhould find the Convention to be a Meaſure againſt the Honour and Intereſt of this Nation, there is ſtill Room for us to go into this Addreſs.

Sir William Windham.

Sir,

'I am ſorry that I am obliged to differ from the honourable Gentleman who ſits over againſt me, in almoſt every Propoſition he has advanced. I readily admit, that to know the proper Boundaries between the Sovereign and the Parliament, is a Part of Knowledge very requiſite for a Member of this Houſe; but I think the Conſtitution has pointed out thoſe Boundaries, it has pointed them out in plain and intelligible Characters, impoſſible to be miſtaken by any Man who does not wilfully miſtake. Our Conſtitution plainly preſumes, that in political Tranſactions the Miniſter's Conduct alone is to be canvaſs'd, and if any Thing is found amiſs, the Sovereign is always ſuppoſed to have been miſled or miſinformed by the Miniſter. I could not help ſaying thus much, Sir, becauſe I have obſerved Gentlemen, upon Queſtions relating to Papers proper to be laid before this Houſe, ſtill advancing that ſuch Motions tended to encroach upon the Prerogative. For my Part I know no Prerogative that this Motion can affect; I know no Difficulties which it can lay us under but with regard to the Miniſter, and I hope this Houſe will never know any Difficulty upon this Head. Sir W. Windham.

'The honourable Gentleman who ſpoke laſt appears to me to have been under two very great Miſtakes; firſt, in ſuppoſing that his Majeſty would take it amiſs, if we ſhould addreſs in the Terms of the preſent Motion; ſecondly, in taking it for granted that the Contents of any Papers cannot be communicated to this Houſe without their being known to all the World. I am convinced that this Houſe never did, and I hope it never will, give his Majeſty Reaſon to ſuſpect, that we are capable of purſuing any View inconſiſtent with the Reſpect we owe to him, or with the Duty we owe to our Conſtituents. While theſe are the Maxims by which we regulate our Conduct, his Majeſty, I dare ſay, would never take any Proceeding of ours amiſs; becauſe if

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we ſhould ever addreſs for any Thing that is improper for his Majeſty to comply with, he will not look upon it as proceeding from Want of Affection, but from Want of better Information.

'This leads me to the ſecond Miſtake the honourable Gentleman ſeems to be under. If by agreeing to this Motion we ſhould addreſs for Papers unfit to be communicated to the Publick, there is no doubt but we ſhall be informed from the Throne, in a regular Manner, that the Contents of ſome of the Papers we addreſſed for ought not to be divulged. In the mean time, it is to be hoped that his Majeſty will order thoſe Papers that are proper for our Inſpection to be laid before us. If it ſhall be found by the Houſe, that the Papers thus communicated are ſufficient for our Information; if it ſhall be found, they are ſufficient to give us a full and a clear Detail of the Negociations that have preceded this Convention, there is no Occaſion to trouble his Majeſty any farther. But if theſe Papers ſhould relate to other Papers without which we muſt be ſtill in the Dark, there is a Method by which this Houſe may be informed of all that is proper for them to know, and yet the Miniſtry be in no Danger of having their Secrets divulged to the World. I mean the Method of a ſecret Committee, who may be appointed to make Extracts from theſe Papers relating to the Affair in Queſtion, as far as ſhall be neceſſary for the Information of this Houſe. I hope, Sir, Gentlemen don't ſuppoſe that the Breaſt of a Miniſter is the only Cabinet where a Secret of State can be ſafely depoſited. I dare ſay, Sir, every Gentleman of this Houſe, who ſhall have the Honour to be of a ſecret Committee, will conceal the Proceedings of that Committee as inviolably as any Miniſter alive.

'I think I have already obviated the moſt material Difficulty that can poſſibly ariſe on this Point of Secrecy: But, Sir, I confeſs, that I can ſee no Grounds for ſuppoſing, that if our Miniſtry have honeſtly done their Duty, there can be any Secret to be concealed from the Publick, or any Difficulties whatſoever. The Wrongs that we have ſuffered from Spain were committed in the Face of the Sun. They were avowed by her Government, they were juſtified by her Miniſtry; the Means, Sir, which we purſued to obtain Juſtice, were long concealed from the Knowledge of the Publick; longer I'm afraid than was ſtrictly conſiſtent with the Intereſt, with the Honour of this Nation; and the more they were concealed, the Injuries, the Inſults and Barbarities committed on our Subjects grew the more flagrant; and Spain by her Conduct ſeemed to aim at nothing ſo much, as to render it impracticable for our Miniſtry any longer to ſtifle the juſt Complaints

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of our Merchants. At laſt, Sir, after a long and fruitleſs Expectation of obtaining Redreſs by means of our Miniſters, our Merchants were obliged to lay their Caſe before Parliament. We heard them fully, we heard them impartially; and they proved their Allegations to the Satisfaction, and entire Conviction, of every Gentleman in this Houſe; to the Conviction, I believe, of thoſe who had the greateſt Reaſon to wiſh that they had not ſucceeded ſo well in their Proof as they did. Upon this the Houſe came to certain Reſolutions, very plain, very practicable in their own Nature, which we then underſtood were to ſerve as a Direction to our Miniſtry in the ſucceeding Part of their Negotiations. If they have uſed proper Means for obtaining the Conceſſions pointed out by theſe Reſolutions from the Court of Spain, if they have unalterably purſued the Scheme which the Parliament laid down, where can be the Harm, where the Difficulty, of publiſhing their Conduct to the World? Give me leave, Sir, to ſay, that it will be for their Intereſt that the Publick be informed of their having acted zealouſly for the Rights of the Nation. This will inſpire the Subjects with an Alacrity; it will induce them to ſecond his Majeſty's Endeavours with Vigour, ſhould Matters proceed to an open Rupture. This is an evident Advantage, which both the Miniſtry and the Nation will gain; and if they have acted in the Manner which I hope they have, it is impoſſible that there can be any prudential Conſiderations for not agreeing to this Motion.

When this Houſe came to the Reſolutions which were preſented to his Majeſty laſt Seſſion, all the Treaties in Force betwixt us and *Spain*, were fully conſidered and debated. I could have wiſhed that our Reſolutions had been conceived in ſtronger Terms, and that we had been more peremptory in our Demands: But the Miniſtry muſt be acquitted by every impartial Man, if it ſhall appear that they have faithfully and zealouſly conformed themſelves to what appeared to be the Sentiments of the Majority of this Houſe. Now as theſe are no Secrets to the Publick, I cannot conceive why any Proceedings whatever, in Conſequence of theſe Reſolutions, ſhould be improper to be communicated to this Houſe. It will ſound very ſtrange to the World, if this Houſe ſhould refuſe to call for Papers, the Contents of which we have Reaſon to preſume chiefly relate to a Negotiation that ought to have been carried on in Purſuance of the Reſolutions of Parliament. Will not this, Sir, give a Handle to our Enemies to ſuggeſt, that ſome Scenes of Iniquity may be diſcovered from theſe Papers, and that his Majeſty's Miniſters have had Views diſtinct from, and inconſiſtent with your Reſolutions.

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I ſhall go ſo far, as to admit that theſe Views may be more advantageous for the Good of this Nation, than thoſe that the Parliament then had in View: But give me leave to obſerve, Sir, that however ſpecious they may be, no Meaſure founded thereon can be ſo ſolid, or ſo efficacious, as thoſe founded on the Reſolutions of this Houſe. All Conceſſions that are obtain'd from Spain, if not founded on the Reſolutions of Parliament, will be no longer binding upon her, than ſhe ſhall find it her Intereſt not to break them. This, Sir, is evident from our paſt Negotiations with that Court. Gentlemen, I believe, will have ſome Difficulty to prove that ſhe has obſerved one Stipulation in any Treaty we have made with her theſe twenty Years paſt. What was the Reaſon of this? Did it not proceed from her Opinion that our Parliaments would never ſupport the Miniſtry, in obliging her to an Obſervance of Treaties concluded without their Advice, and againſt the Senſe of the Nation? This gave them Encouragement to break thro' every Obligation of Faith and Honour. But the preſent Caſe is quite otherwiſe. The Parliament has laid down Reſolutions, which are, or ought to be, Guides to our Miniſtry. We have declared, that we will effectually ſupport his Majeſty in obtaining Redreſs from Spain on the Foot of theſe Reſolutions; therefore give me Leave to ſay, Sir, that there ought to have been no Negotiation carried on with Spain, whereof theſe Reſolutions did not ſerve as a Foundation; and as theſe are known to all the World, I can ſee no Reaſon why any Part of the Negotiations founded on them ought to be kept ſecret, or ſhould be thought unfit to be communicated to this Houſe.

I am ſorry to hear the Manner in which the Court of Madrid may reſent our Proceedings urged in this Houſe as a Reaſon why we ought not to proceed according to our known Privileges: If ever one Court had Reaſon to obſerve no Delicacy with another, and to break thro' all Forms of Decorum, we have received Provocations enough to juſtify us in ſuch a Behaviour towards that of Spain. She has violated the Law of Nations and her own Honour; ſhe has done violence even to Humanity itſelf, by her outrageous Treatment of our Fellow-ſubjects; and ſhall we, Sir, at this Time of Day, refuſe to enter into right and proper Meaſures for our own Safety, becauſe they may be diſagreeable to ſome Punctilios of that Court? But, Sir, we do no more now than we have done in former Times, we do no more than we have done in almoſt every Seſſion of this Parliament. Did we not laſt Seſſion, Sir, addreſs for Papers that had paſſed between the Spaniſh Miniſters and ours? Theſe Papers were communicated to the Houſe; but I think we never heard that the Court of Spain reſented it in the Manner the honourable Gentleman ſeems to inſinuate. The Convention

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is a Proof that they have not; and I could wiſh we had uſed the Privilege we enjoy of addreſſing his Majeſty for Papers that have paſſed betwixt his Miniſters and thoſe of any other Court, oftener than we have uſed it. The Nation, I am perſuaded, would have felt the good Effects of it. If foreign Courts apprehended, that all the Tranſactions betwixt us and them were to be laid before this Houſe, I am apt to believe, that they would be much more ſincere in their Proteſtations, and that they would not dare to triſle with this Nation in the Manner which ſome of them have done.

'The honourable Gentleman was afraid, that if we ſhould agree to this Motion, and the Papers were refuſed us, ſuch Refuſal might beget a Miſunderſtanding betwixt his Majeſty and the Parliament, which might give other Powers of Europe a Handle for inſiſting upon ſomewhat to the Diſadvantage of our Commerce.

'As to the American Trade, which the honourable Gentleman has been pleaſed to mention, I am ſenſible with how delicate a Hand that ought to be touch'd upon by a Miniſtry treating with other Powers. But, Sir, it is certain that we have juſt as good a Right to our Share of that Trade as any other People in Europe, except the Spaniards themſelves: And give me Leave to ſay, that it would not be amiſs ſhould we let our Neighbours know, that we are determined to ſuffer none of them to enter into any colluſive Bargain with Spain, to enjoy Advantages which we do not. If we have any Reaſon to ſuſpect this, I think it would be right in us to oblige, not only the Spaniards, but theſe Supplanters, to a due Obſervance of the Treaties concerning that Trade, let the Conſequences be what they will. While I am on this Subject, I cannot help taking notice, that it has become a general Excuſe in the Mouths of a great many for not entering into a War with Spain, that it is in her Power to ſeize the Property of our Merchents on board her Plate-Fleet. Sir, I ſhall admit that it is. But I think it is againſt the Maxims of ſound Policy, for the Sake of any private Man's Advantage, to expoſe the Honour of the Nation to Inſults.

'As to the Effects this Addreſs might have upon Affairs at Home, I am ſo very unfortunate as to differ widely from the honourable Gentleman's Way of Thinking. A good Correſpondence betwixt his Majeſty and the Parliament, is what I ſhall always wiſh to ſee continued. But in my Opinion, Sir, it is no very great Compliment to this Houſe to ſuppoſe, that if his Majeſty ſhall refuſe to lay theſe Papers before us, we ſhould expreſs any Diſſatisfaction, or give our Enemies any Handle to exult or triumph. We may be perfectly ſatisfied, that if his Majeſty ſhould refuſe to lay theſe Papers

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before us, it is for very important Reaſons; for I am perſuaded, no Miniſter durſt be ſo bold as to ſtep between his Majeſty and this Houſe, and be an Inſtrument of creating any Miſunderſtanding betwixt them on this Head.

'But, ſays the honourable Gentleman, we are not ſure that his Majeſty will comply with the Prayer of ſuch an Addreſs. Sir, this is an Argument that may equally ſerve againſt all Addreſſes of this Kind; we are not ſure, before they are preſented, that his Majeſty will comply with any of them; but it is reaſonable to believe that he will comply with this Addreſs as ſoon as with any other. In this Caſe Sir, I am apt to think that foreign Powers will entertain a very different Opinion of the State of our Affairs from what the honourable Gentleman inſinuates. It will give them to underſtand, that his Majeſty and his Parliament are reſolved to act in concert. As to foreign Powers uniting amongſt themſelves on this Occaſion, I think we have no great Reaſon to dread them: We have a Fleet, Sir, ſufficient to prevent all the bad Effects of ſuch a Union; ſufficient to protect our own Trade, and to defeat all the Attempts of our Enemies. I ſhould be glad to know, if we have nothing to apprehend from our Enemies, for what Reaſon the Nation is at ſo much Expence in fitting out and maintaining ſo great a Fleet? But I am afraid that the Union among the Enemies of this Nation is already as ſtrong as poſſible to be; if it is not, the Arguments I have heard advanced for our late Meaſures are very inconſiſtent and inconcluſive. Was it not urged laſt Seſſion, in favour of our pacific Diſpoſitions, that France and Spain were ſo cloſely united, that their Intereſts were become inſeparable? And have we not been lately told, that this Union is now upon the Point of being rendered ſtill more ſtrict, by a Daughter of France's marrying a Son of the King of Spain. Thus, Sir the Union hinted at, is not only already formed, but perhaps as ſtrong as it ever can be. However, if we admit this Union to be of ſo much Weight, as to influence and over-awe the neceſſary Proceedings of this Houſe, we ſhall not in the leaſt keep off, but the ſooner feel all the Effects of it. Nay, ſhall we not invite the Danger we ought to prepare againſt?

'The honourable Gentleman ſeem'd apprehenſive that France might have ſome Claims to make prejudicial to our Intereſt. I believe, Sir, if we were to ſettle Accounts, the Balance would be found very much in our Favour. We have therefore no Reaſon to delay the Diſcuſſion of all Claims tha poſſibly be betwixt us. We muſt not expect any ' good Offices, and we cannot guard ſo well againſt t in any other Manner, as by obliging them to come to claration one way or other. By this Means, if we

ſerved by their good Offices, we cannot be betray'd by their diſſembled Friendſhip; and if we had purſued theſe Meaſures ſooner, I am of opinion that we ſhould have had but very little Reaſon now either to court or to fear them. The honourable Gentleman ſays, that we now enjoy many Advantages in Commerce unrivall'd and uncomplain'd of by our Neighbours. I wiſh, Sir, he had pointed out what theſe Advantages are. I have many times of late heard that our Neighbours have engroſs'd ſeveral Branches of Commerce to which we had a natural and undoubted Right, but I could never yet learn that we have gained one Advantage over them in that Reſpect. Therefore I think it would not at all be amiſs, if all our Treaties of Commerce and Navigation, with the other Powers of Europe, were examined, and the Encroachments made upon our Rights ſtrictly enquired into: I am convinced, if this Enquiry were vigorouſly ſet on Foot, it would be highly for the Intereſt of this Nation.

'As to our Neighbours improving our Diviſions to their own Advantage, I can ſee no Room, from what has been yet ſaid, to ſuſpect that our preſenting ſuch Addreſs can produce any, whatever the rejecting it may do.

'The next Argument againſt the Motion, Sir, is drawn from the Impreſſion it might give his Majeſty of our Moderation. I dare ſay his Majeſty knows too much of the Conſtitution of Great Britain in general, and of this Houſe in particular, to be diſpleaſed at ſuch a Proceeding. If his Majeſty ſhall find that we have done nothing more by it, than what has been uſual for this Houſe to do on like Occaſions, where is the Ground for inſinuating, that his Majeſty will have Reaſon to think we do not make a proper Return for the many Inſtances of Affection he has ſhewn us? I am very ſenſible of the Tenderneſs which he has always expreſſed for the Rights of this Houſe. Give me leave to ſay, Sir, that we have never yet been wanting in our Returns of Gratitude to the Government. We have put it in their Power, to ſecure themſelves in the Affections of the People; we have put it in their Power, Sir, to make themſelves as popular as any Government that ever was in Britain, by furniſhing them with the Means both of retrieving and aſſerting the Honour of this Kingdom. If, at an immenſe Expence to the People, we have thus ſtrengthened the Hands of our Miniſters; if we have thus clothed them with Power almoſt unknown to any of their Predeceſſors, is it not juſt, Sir, is it not neceſſary that we ſhould have all the Light communicated to us, that may be proper to inform us in what Manner theſe Expences and this

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Power have been applied? And can any Gentleman, who impartially conſiders this Affair, doubt that our agreeing to the preſent Motion is the moſt proper Means of attaining that End?

'The honourable Gentleman ſays, that the Convention is not a definitive Treaty, but a preliminary one. Now this very Reaſon which he has urged againſt the Motion, is to me one of the ſtrongeſt Arguments in its Favour. We furniſhed the Miniſtry with means of reducing Spain to Reaſon, and of obtaining a definitive Treaty with the moſt advantageous Terms. Will any Gentleman deny this to be the Situation of Affairs at the Cloſe of laſt Seſſion? I dare ſay he will not. What then, Sir, do we intend by the Addreſs now moved for? We intend no more, than to get as full Information as poſſible, why the firm and well-grounded Expectations of the Parliament have not been anſwered.

'The honourable Gentleman, Sir, reaſoned on a Suppoſition, that we were to addreſs for theſe Papers for no other Reaſon than to fiſh for Faults in our Miniſtry, whoſe Conduct he ſeems to think is irreproachable. I wiſh with all my Heart, that it may be found ſo; but I muſt differ from him in this Particular. I am of Opinion this Houſe may addreſs for theſe Papers with the moſt ſincere, the moſt upright Intentions of doing Juſtice to the Merits of the Miniſtry. I am apt to think, Sir, that we ſhall be ſincere both to our Approbation and Cenſure, and that whether our Miniſters deſerve one or the other, we have no Intentions to act any otherwiſe than ſhall appear from the Reaſon of the Thing itſelf.

'I have heard Gentlemen frequently inſiſt, that it is very unfair to condemn the Conduct of Miniſters before we know the particular Reaſons and Motives from which they act. I myſelf am entirely of that Opinion. I believe a Miniſter may be ſo embarraſs'd by Accidents in the Courſe of a protracted Negotiation, thro' the Caprice, thro' the Obſtinacy of thoſe he has to do with, that he may be obliged to follow Meaſures, that to a Perſon not in the like Situation, and unacquainted with the Difficulties he had to encounter, may appear very abſurd; and yet, Sir, that very Perſon, upon better Information, may be convinced, that if he himſelf had been in the like Circumſtances, he could not have acted ſo prudently. The Convention is, I dare ſay, ſuch a Meaſure as what I now talk of. The World in general, and I believe not a few Gentlemen in this Houſe, I own myſelf to be of their Number, have but a very indifferent Opinion of it. However, I will not as yet abſolutely pronounce it to be a bad Meaſure, becauſe I do not know the Difficulties which our Miniſters may have had to encounter. I do not

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know what Reaſons Spain might have had to urge; nor a thouſand other Circumſtances, which might be proper for me to be inſtructed in, before I can deliver my final Judgment of it. Theſe Difficulties, Sir, are only to be known from the Papers now moved to be addreſſed for. For my own Part, I will take them upon no Man's Repreſentation; they who may be moſt proper to repreſent them to the Houſe, are known to be too ſtrongly intereſted in the Fate of the Queſtion about this Convention. They who are not intereſted, cannot repreſent them to the Houſe, becauſe they are not in the Secret of Affairs. How then, Sir, are we to receive right Information? We are to receive it from the very Papers, which we have reaſon to believe were penned with no Deſign of impoſing on this Houſe. This, I own, Sir, is the only Method by which the Objections I have already formed in my Mind againſt this Convention can be removed.

I ſhall only trouble the Houſe with a Word or two more, with regard to the Indecency of our addreſſing for Papers that relate to a Negotiation not yet finiſhed. This is an Argument, that I own has had of late great Weight with this Houſe; and I do believe that formerly it was not very uſual to addreſs for ſuch Papers. But I muſt at the ſame time obſerve, that formerly our Negotiations were quite of a different Kind from what they ſeem now. Our Forefathers acted with Reſolution; they acted with Prudence; they did not ſuffer themſelves to be deceived by the outward Proteſtations, or undermined by the ſecret Treachery of their Enemies; therefore the firſt Notice which the Public commonly had of a Negotiation, was by its being notified to the Parliament that it was concluded: So that it was almoſt impoſſible for them to call for any Papers relating to a Negotiation that was depending. But we, Sir, have got into a new Method of Treaty-making; we are always negotiating, but we never conclude. We have been negotiating with Spain theſe twenty Years, without making one definitive Treaty, that has not been broken before the Parliament could have an Opportunity of calling for any Papers relating to it. For the Breach that followed (ſuch was our Policy) always gave Riſe to new Negotiations, which were ſet on Foot before the next Meeting of Parliament; then, Sir, when we called for Papers relating to the former Negotiation, we were told that theſe Papers related to the Negotiation in dependence, and that therefore they were very unfit to be communicated to the Houſe; — his Majeſty would take it amiſs; and the Spaniards would be diſpleaſed. This, Sir, I take to be the very Caſe now. The Treaty of Seville, tho' called a definitive Treaty, was indeed as properly a prelimi-

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nary Treaty as the Convention; for the moſt material Points, that then created the Difference betwixt us, were left to the Deciſion of our Commiſſaries, in the ſame Manner as they are now left to Plenipotentiaries. The Stipulations in the Treaty of Seville, being either violated or not fulfilled by the Spaniards, gave Riſe to a new Negotiation, which produced the Convention; and the Convention itſelf is but a Preliminary to a Negotiation, which Negotiation may continue Heaven knows how long. Thus, Sir, it is evident, that, in the honourable Gentleman's Senſe of the Words, this Houſe has not been able for theſe ten Years paſt, to call for any Papers relating to Spain, that might not be ſaid to regard a Negotiation not yet concluded.

'But, Sir, I muſt beg Leave to trouble the Houſe with one Reaſon more why I am for the preſent Motion. If we may give any Credit to our public News-papers, and to common Report, our Miniſters have met with great Difficulties in obtaining from Spain even this Convention, poor as it ſeems to be; nay, if ſome People are not very much miſinformed, we could have had better Terms from Spain eight Years ago, than we have got by this Convention. Now, Sir, what Indignation muſt it raiſe in the Breaſt of every conſidering Man, who reflects that our vaſt Preparations and Expences have had no Effect but to our own Detriment! To what can this be attributed? It muſt be to one of two Cauſes: The firſt is, that it is poſſible Spain may have ſo thorough a Contempt of us, as to tell us, that if we will be but peaceable and quiet, ſhe will do ſomething for us from pure Good-Will; but that we are to expect no Terms, except the moſt diſhonourable and diſadvantageous, if we ſhould pretend to do ourſelves Juſtice by our Arms. If that, Sir, is the Caſe, we are in a more miſerable Situation than any People under the Sun; becauſe there is no People, however weak, whoſe Reſentment is not in ſome degree or other regarded, even by Powers vaſtly ſuperior to themſelves. But it would ſeem that we are reduced to ſo deſpicable a Situation, that, tho' we are in a Condition to do ourſelves Juſtice, and tho' we may be at an immenſe Expence in putting ourſelves in that Condition, yet our Enemies know ſo well that we dare not make uſe of our Power, that they deſpiſe and inſult us for making ſuch vain Preparations. This is a very ſingular, and I believe an unparallelled Caſe.

'But this Behaviour of Spain may be attributed to another Cauſe; it may proceed from our Miniſtry being ſo earneſt to obtain ſome Treaty or other, that rather than want one, they were willing to take up with the very worſt that could be offered; that when the Parliament met, they might ſay ſomething had been done in Conſequence of the vaſt Expences

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we had been at. But Sir, it is impoſſible for us to know any Thing certainly of this Affair without agreeing to the preſent Motion, which I heartily give my Voice for.'

Sir William Yonge.

Sir,

Sir William Yonge.

'I wiſh with all my Heart that Gentlemen would confine themſelves to the Subject of the Debate: I am ſure it would ſave a great deal of Time and Trouble to themſelves and others. We have been told, Sir, that the Reaſon why we ought to agree to this Motion, is becauſe we did not bring the Court of Spain to agree to a definitive inſtead of a preliminary Treaty; tho' Gentlemen have not been ſo kind as to give the Houſe any Reaſons why this Preliminary may not anſwer all the Ends we could have propoſed by a definitive Treaty.

'But we are told that the Reſolutions we came to laſt Seſſion ought to have directed our Miniſters in inſiſting upon a definitive Treaty, or they ought not to have treated at all. This Sir, I can by no Means agree to. We did not mean by theſe Reſolutions, to tie the Miniſtry down to enter into an immediate War; they were intended, as the honourable Gentleman well obſerves, to ſerve as a Direction to the Miniſtry in the ſucceeding Part of their Negociation: But how does it appear to him, that they they have not? We have, ſays he, got a preliminary Treaty inſtead of a definitive one. Give me Leave to ask that Gentleman, Sir, if there was any Thing in theſe Reſolutions that ty'd our Miniſtry's Hands from making a preliminary Treaty till ſuch Time as a definitive one could be drawn up? If there is not, wherein are our Miniſters to blame, if they have concluded a preliminary Treaty, in which a ſtrict Regard has been had to the Reſolutions of Parliament? If the Situation of Affairs betwixt Spain and us abſolutely required that we ſhould accept of this preliminary Treaty, can the honourable Gentleman pretend, that the Ends for which we came to the Reſolutions he has mentioned, have not been anſwered? But, ſays the honourable Gentleman, why was this a preliminary Treaty, and not a definitive one? Did we not furniſh Money enough? Have we not fitted out Fleets ſtrong enough to oblige Spain to accept of our own Terms? I think, Sir, that this Objection admits of a very plain Anſwer. The Reſolutions of a Houſe of Parliament and its Proceedings, are founded on the Intereſts of the Nation, as they appear from her Laws, her Conſtitution, and her Treaties with other Powers: But Miniſters, Sir, have a harder Task; they are tied down to the Reſolutions of Parliament, and at the ſame Time they are obliged to conſider how far the Intereſt of their Prince may be affected by other Circumſtances, which

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which the Parliament, let their Intentions be never ſo upright, and their Diſcernment never ſo juſt, can have no Opportunity of knowing. Theſe Circumſtances, Sir, may depend on the Characters of thoſe with whom they are to negociate, and the Diſpoſitions that are made at other Courts for entering into or ſtrengthening Alliances. They may depend on Intrigues, which they who are at a great Diſtance can have no Notion of, and to which perhaps a little muſt be yielded in order to gain a great deal. For theſe Reaſons it would be the moſt abſurd Thing in the World in us to find Fault with our Miniſters for any Meaſure they ſhall enter into, unleſs we are abſolutely ſure that they had none of the Difficulties I have mentioned to encounter with. 'Tis likewiſe for this Reaſon that our Conſtitution has veſted the Crown with the Prerogative of making Peace or War; becauſe it never can be preſumed that we, who are confined to an Iſland, who can know nothing but from Hearſay, whoſe Deliberations are ſo ſlow, and whoſe publick Capacity determines at a certain Period, can be thoroughly inſtructed in every Particular that may make more vigorous or more peaceful Meaſures neceſſary. But, Sir, ſhould this Houſe always aſſume to itſelf, without having regard to any of theſe Conſiderations, a Power of cenſuring the Meaſures of the Miniſtry, for not acting ſtrictly up to what they conceive would have been proper; ſhould we on all Occaſions, preſcribe Rules to the Miniſtry in what Manner their Negociations are to be carried on, and on what Terms they are to inſiſt; I think it would be very hard to point out wherein the Prerogative of the Crown in making Peace or War conſiſts.

'I hope, Sir, I ſhall not be miſtaken, as if I meant that we are never to offer our Advice to his Majeſty, and that we are to wink at every Thing the Miniſtry ſhall do. I think the Greatneſs of a King of Britain depends on his always acting in Concurrence with Parliament, and that the Safety of this Nation conſiſts in our having it always in our Power to cenſure the Conduct of wicked Miniſters. But at the ſame Time, Sir, we are not to preſcribe the Manner in which his Majeſty is to act, nor, under the Pretence of calling wicked Miniſters to account, are we to perſecute or oppreſs good ones. But, ſays the honourable Gentleman, if our Miniſters had real Difficulties to ſtruggle with, if they met with unreaſonable Oppoſition, why ought this to be concealed from Parliament? This Houſe can make Allowances for that; we will even applaud them, if they have dexterouſly ſurmounted thoſe Obſtacles; and therefore theſe Papers ought to be laid before us, that we may know the true State of the whole Affair. Sir, I am of Opinion, that before there is Occaſion to call for any Papers whatſoever relating to this

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Negociation, we ought to conſider if the preliminary Treaty which has been concluded, is, or is not a proper Meaſure in itſelf: If we find that it is a proper Meaſure, if we find that it anſwers all the Intentions of the Reſolutions we preſented to his Majeſty laſt Seſſion, where is the Neceſſity, where is the Expediency of calling for any Papers at all? If on the other Hand, it ſhould be found a deſtructive Meaſure, we are at Liberty to do as we ſhall think expedient; and his Majeſty will doubtleſs have a great Regard to our Sentiments and Repreſentations.

'I cannot help obſerving, Sir, that had the Convention been a definitive inſtead of a preliminary Treaty, the honourable Gentleman, according to his own Way of arguing, would have had no Pretence for agreeing to the preſent Motion. Had it been a definitive Treaty, the Queſtion then, it ſeems, would have been upon the Merits of the Treaty itſelf; but as it is a preliminary one, the Queſtion now is not about the Merits of the Treaty, but upon thoſe Steps that were taken previous to it. I am not inclined to anticipate the Debate upon the Convention, by pointing out the ſmall Difference that is betwixt it and a definitive Taeaty: Give me Leave to ſay, Sir, that the Foundation that is therein laid for a definitive Treaty, is entirely agreeable to the Reſolutions of this Houſe; and I dare venture to ſay, that when it ſhall come to be conſidered, Gentlemen will think it the beſt Meaſure that could have been purſued in our preſent Circumſtances.

'But, ſays the honourable Gentleman, why may we not appoint a Committee of Secrecy for peruſing the Papers to be addreſſed for, who ſhall make ſuch Extracts from them as are proper for the Information of this Houſe? I am very far, Sir, from queſtioning the Honour of any Gentleman who may be of ſuch a Committee, or from thinking that they could be capable of making any bad Uſe of theſe Papers: But I am humbly of Opinion, that ſuch an Expedient would be far from anſwering the Ends propoſed. A Committee of Secrecy might indeed ſatisfy themſelves; but I cannot ſee how any Information from them can be ſatisfactory to the reſt of the Houſe. The honourable Gentleman himſelf ſays, that he can form a right Judgment of the Convention no other Way than by ſeeing and peruſing theſe Papers; but, Sir, if he himſelf were not of that Committee, he muſt be ſatisfied with the Report of the Committee, ſo that he can have it only at ſecond-hand. Beſides, there may be ſuch a Connection betwixt thoſe Matters that are improper to be communicated to the Houſe, and thoſe that are neceſſary for our Information, that the Extracts muſt be mangled, incoherent, and unintelligible. For my Part, if an Affair happened where it was abſolutely neceſſary that Pa-

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pers ſhould be communicated from the Crown for the better Information of this Houſe, I ſhould not think my ſelf at Liberty to form any deciſive Judgment of that Affair upon the Report of the Committee, any more than the honourable Gentleman thinks himſelf at Liberty to form ſuch a Judgment of the Convention on the Report of the Miniſtry. The Reaſon of this will be evident to any Man, who conſiders what a vaſt Difference there is betwixt the ſeeing Things, of which we are to be Judges, with our own Eyes, and ſeeing them with the Eyes of other Men.

'As to our foreign Intereſts, which have been ſo much talk'd of on this Occaſion; I think it would be againſt every Maxim of ſound Policy, to revive any manner of Difference that may be betwixt us and any of our Neighbours at this Juncture. I own, Sir, that I am not of Opinion, that the ſooner we oblige France to come to a Declaration either one Way or other, the better for this Nation. I think that if we gave France any Handle to join Spain on this Occaſion, it may tend very much to our Detriment. Every Gentleman who reflects how much our Trade was ruined by the Privateers of that Nation in the laſt War, will give his Voice againſt this Nation being again expoſed to the like Calamities, if we can conſiſtently and with our own Honour avoid it.

'The honourable Gentleman, Sir, took up my worthy Friend who ſits near me, for ſaying "that we enjoy many Branches of our Commerce unrivall'd, and uncomplained of by our Neighbours." Sir, I can't help being of this Opinion, eſpecially when I conſider the late vaſt Increaſe of our Shipping, and Extenſion of our Trade. Theſe two Particulars, Sir, are undeniable, and muſt be evident to any Man, who has liv'd along enough to be able to compare the Figure which the Trading Part of the Nation made 30 or 40 Years ago with what it does now. Any Gentleman, Sir, who can do that, muſt be convinced that it would be the Height of Folly in us to endanger theſe Advantages by a precipitate ill-timed Breach with any of our Neighbours.

'The honourable Gentleman allows that the Spaniſh Weſt-Indian Trade, ſo far I preſume, as we are concerned in it, ought to be touch'd upon with a very delicate Hand; yet at the ſame Time he ſeems to be of Opinion, that we ought, upon this Occaſion, to inquire into the Abuſes that may have been introduced by other Nations into that Trade. I think, Sir, it would be going quite out of our Road if we ſhould make the leaſt Enquiry of that Kind. I believe, Sir, the great Abuſes committed by our Merchants in the Spaniſh Weſt-Indies are not unknown to many Gentlemen in this Houſe; and that the vaſt Circulation of our own Specie in our Colonies in America, that the vaſt Plenty of Bullion

Bullion here, and the great Quantities of Spanish Money current in our West-Indies, are no great Wonder, if not wholly, owing to the Advantages which we have reaped by that Trade, and which, if we are to be determined by the Words or Intentions of Treaties, may not be strictly justifiable.

'The honourable Gentleman's Jealousy of the French, and his Insinuation of their being indulged in Privileges that are denied to us, appear to me to be very ill grounded. If that had been the Case, we must before now have heard of it from our Merchants trading in those Places; and we must have perceived it in the sensible Decay of Trade amongst ourselves. I'm afraid, Sir, that if we should proceed to settle Accounts, as the honourable Gentleman says we ought to do, we should find ourselves under very great Disadvantages in some Particulars. If all our Treaties of Commerce and Navigation with the other Powers of Europe were to be canvassed, Sir, I believe other Powers would have more Encroachments to complain of, and with more Justice too, than we can. Every Gentleman in this House, I dare say, knows very well that by the Treaties betwixt us and Spain, every Ship of ours that is found trading with the Spanish West-Indies is confiscable. But will any Gentleman, Sir, take it upon him to affirm, that our Merchants don't carry on that Trade in Defiance of all Treaties? This is an Abuse, Sir, that not only the Spaniards but the French and other Nations have a Right to complain of: For we are tied down by our Treaties with them, as well as by those with Spain, not to attempt or carry on such a Trade. Therefore, Sir, I think it would be very unadviseable in us, at this Juncture, to awaken any Differences that may be betwixt our Neighbours and us, as the honourable Gentleman advises. But, Sir, this Nation has nothing to dread as long as that happy Union, which has always subsisted betwixt his Majesty and the Parliament still continues: For tho' I am persuaded that his Majesty will never encourage any unjust Encroachments in his Subjects on those of any other Power, yet we may be very well assured, while such a Union subsists, no other will dare to make any such Encroachments upon us.

'The honourable Gentleman himself allowed, that it never was the Custom of this House to call for Papers relating to a Negociation not concluded; yet he seemed to be surprized how any Body could think that his Majesty would take our agreeing to this Motion amiss. In the mean Time, Sir, he did not think fit to give us any Reason why the Papers now moved to be addressed for, ought not to be looked upon as Papers relating to a Negociation still in Dependance. If, Sir, we are to look upon them as such, is there the least

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Doubt that his Majeſty will have very good Reaſon for taking our Proceeding in this Manner amiſs?

'It is true, Sir, that after the Treaty of Seville was concluded, the Papers relating to that Treaty were laid before this Houſe; but I am far from thinking that that Treaty was but a preliminary one. The Stipulations contained in it appear to be full, expreſs, and definitive. Some Points, indeed, were left to be adjuſted by Commiſſaries, but theſe were far from being the material Points of Difference betwixt us and Spain at that Time. They related not to national, but private Property; therefore that Treaty can never be brought in as a Parallel with the Convention, which ſo far as it relates to private Property, is definitive; tho' ſo far as it relates to national Property, it is preliminary. His Majeſty, who is the Guardian of our national Property, has thought fit to refer the Points relating to our Commerce to a future Negociation; and ſhall we ſo far expreſs our Diſtruſt of his royal Intentions, as, in a Manner, to take the Negociations out of his Hands? Shall we ſet a Precedent which in future Times may be ſo far abuſed as to deprive his Succeſſors of the faireſt Jewel of their Prerogative, that of making Peace or War, independent of any other Branch of the Legiſlature?

'The honourable Gentleman, who ſpoke laſt, ſaid that we never yet had been wanting in our Returns of Gratitude to his Majeſty for the Regard he has expreſſed towards us. I hope, Sir, we never ſhall be wanting in ſuch Returns; if we are, we ſhall be wanting to ourſelves; but unleſs it can be proved to the Houſe, either that the Papers, now moved to to be addreſſed for, do not relate to a Negociation ſtill in Dependance, or that it has been uſual for this Houſe, to addreſs for Papers relating to ſuch a Negociation, I muſt be of Opinion, that his Majeſty will have Reaſon not to think it a grateful Return, ſhould we agree to the preſent Motion, but to look upon it as a Mark of our diſtruſting not only his Miniſtry's but his own Intentions.

'If we have ſtrengthened his Majeſty's Hands, Sir, it is only in order to ſecure our own Property; if we have been at any extraordinary Expence, it is in order to ſave a much greater Expence to the Nation. Had this Houſe always acted in the ſame Manner, had the Parliament always given the Prince, when they had no Reaſon to think he would make a bad Uſe of it, ſufficient Power to make our Enemies hearken to Reaſon, the great Waſte of Blood and Treaſure expended in the late War might have been prevented. To what was the bad Succeſs of all the Meaſures of King William attributed, but to the unreaſonable Jealouſy which a Party entertained of his and his Miniſtry's Intentions?

Intentions? If he ſet a Negociation on Foot, if he entered into Meaſures that tended viſibly to advance the common Intereſt, he immediately met with Oppoſition, the Meaſures were divulged to the Enemy, and himſelf diſabled from reaping Advantage from the beſt and moſt publick-ſpirited Schemes that ever were laid down. And ſhall we, Sir, at a Juncture, which requires the moſt prudent Conduct of our Government, to oppoſe perhaps a more formidable Power than he had to grapple with, fall into the ſame Errors that rendered all his Endeavours ineffectual? He had only to do with France; ſhe was weaker then than ſhe is now, and he was ſtrengthened with Alliances which it is impracticable for us now to form. If this, Sir, is rightly conſidered by Gentlemen, as I hope it will be, they will find that the Powers with which we have cloathed his Majeſty and his Miniſtry, are ſo far from being extraordinary, that they are very moderate, and that if we have any Thing to repent of, it is our not extending them farther.

'I ſhall now, Sir, beg Leave to add one or two Reaſons to thoſe of my honourable Friend who ſpoke againſt the Motion. The Dangers which this Nation has to apprehend in her preſent Situation, are not entirely from abroad. Theſe Dangers, tho' they are indeed formidable, would be but inconſiderable, were not our Enemies abroad ſupported by a turbulent, diſaffected Faction at Home. A Government, in ſuch a Situation as our Government is now in, would be juſtified by Poſterity, if they made ſome Stretches of Power not ſtrictly agreeable to Law; ſince their Enemies commit ſo many Abuſes of Liberty, which are ſo abſolutely deſtructive of all Subordination and Duty. But notwithſtanding the Difficulties this Government has to encounter, the Miniſtry may appeal to their moſt inveterate Enemies, if they have ever yet made any ſuch Stretch, if they have ever yet taken any Meaſures that are not ſtrictiy agreeable to the Spirit of the Conſtitution.

'This is what I believe no former Miniſtry, under the like Diſcouragements, could boaſt of. But, Sir, I think, in the mean Time, that his Majeſty's Miniſters would be very much wanting in their Duty, both to their Prince and Country, if they ſhould not oppoſe every Step that may give their Enemies an Advantage to their Prejudice. The Animoſities in this Nation are now raiſed to ſo great a Height, that a certain Faction amongſt us will join with any Enemies, provided they could gratify thereby their unjuſt and invincible Hatred towards his Majeſty's Miniſters. I am apt to believe, that the Faction among ourſelves would be the firſt to cry out againſt us for laying all the Secrets of a depending Negociation open to our foreign Enemies, when at the ſame

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Time they perhaps are concerting Schemes, from the Diſcovery they thereby make, for the Deſtruction of their Country. This is no new Game of that Faction; we have known them before this railing at a Miniſtry for giving Advantages to their foreign Enemies, while in the mean Time they were entering into Plots and Conſpiracies with that very Enemy, in order to improve theſe Advantages. For theſe Reaſons, Sir, I am againſt the Motion.

Mr. Sandys.

Sir,

Mr. Sandys:

'As his Majeſty, in his Speech from the Throne, acquainted us, that the Treaty or Convention lately concluded with Spain, would be laid before us in this Seſſion of Parliament; and as we muſt preſume, that when it is laid before us and taken into Conſideration, ſome Sort of Propoſition or Motion will be made, either for approving or diſapproving of that Treaty; we ought therefore to have every Thing laid before us that may any Way relate to it, or to the long Negociation that was carried on for bringing it about. When I ſay ſo, Sir, I do not mean that we are either to approve or diſapprove of any Thing that has been done by his Majeſty. In all ſuch Caſes we are to look upon what has been done, as done by his Majeſty's Miniſters, and their Doings we may cenſure, we may condemn, we have often too good Reaſon to condemn. What may be the Fate of this Convention, or what Fate it may deſerve to meet with in this Houſe, I ſhall not now pretend to determine; but that we may neither juſtify nor condemn, applaud nor cenſure, without a good Reaſon, I think it is abſolutely neceſſary for us to know how Matters ſtand, at preſent, between us and Spain: What are the chief Cauſes of the Diſputes that have ſo long ſubſiſted between the two Nations: And what Meaſures have been taken for clearing up, or putting an End to thoſe Diſputes.

'I am ſurprized any Gentleman can think, that we can know any Thing of the Convention that is to be laid before us, or of the Negociation that has been carried on for bringing it about, without ſeeing the Memorials and Repreſentations that have been made to the King of Spain, or his Miniſters, relating to the Spaniſh Depredations. I hope, that on our Part at leaſt, there are no Secrets between our Miniſters and the Court of Spain, but what may be divulged to this Houſe, or even to the whole Nation; I hope the Memorials and Repreſentations drawn up and ſent to Spain by our Miniſters, contain nothing but a plain Repreſentation of our Rights, and of the Injuries we have ſuffered, and an honeſt, tho' preremptory Demand of Satisfaction, Reparation, and Security. If this be the Caſe,

laying

aying them before this Houſe can be attended with no bad Conſequence: It can no way interrupt the Courſe of our Negociations, nor can it bring a Cenſure upon any Man that was concerned in drawing them up. If I had moved for the Memorials, Repreſentations, or Anſwers, that had been delivered to his Majeſty, or any of his Miniſters, in the Name, and by the Order of the King of Spain, it might perhaps have been ſaid, that laying ſuch Papers before this Houſe would interrupt the Courſe, and might prevent the Effect of our peaceable Negociations; becauſe the Court of Spain might from thence draw Pretence, for refuſing to correſpond or treat any longer with thoſe, who could conceal nothing that was wrote or ſaid to them. Tho' I am of Opinion, that we ought, upon this Occaſion, to ſee even theſe Memorials, Repreſentations, or Anſwers, yet I purpoſely avoided including them in my Motion, that there might be no Pretence for making an Objection againſt it.

'It is not ſo much as pretended, Sir, that the Treaty or Convention to be laid before us is a definitive Treaty. His Majeſty, in his Speech from the Throne, has told us, that it is not a definitive Treaty: He has told us, that thoſe Grievances and Abuſes, which have hitherto interrupted our Commerce and Navigation in the American Seas, and all other Diſputes between the two Nations, except that of Reparation to our Fellow-Subjects for their Loſſes, remain yet to be regulated and ſettled by Plenipotentiaries. I wiſh the only Article that is ſettled, may not appear to have been ſettled to our Diſadvantage. But this is not the only Thing we are to enquire into, when we come to examine this Convention. If the Court of Spain appeared to be in an Humour to give us full Satisfaction, with reſpect to all the other Matters which they have been allowed of late Years to diſpute with us, our agreeing to ſuch a preliminary Convention, and even our yielding a little with reſpect to the Article that is ſettled, may perhaps be juſtified: But if, on the contrary, the Court of Spain appeared to be in no Humour to give us a proper Satisfaction, with reſpect to any one of the Matters now in Diſpute between us, conſidering the Danger our Trade and Navigation lies expoſed to by the unjuſt, and hitherto unheard-of Claim they have ſet up of ſearching our Ships in the open Seas, it was ridiculous in us to agree to any Preliminaries, without having that Point firſt ſettled to our Satisfaction, and ſtill more ridiculous to accept of any partial Reparation for the Loſſes our Merchants and Seamen have already ſuſtained by their Depredations. Therefore, when we come to examine into this Convention, the chief Point that will come under our Conſideration muſt be, to know what Humour the Court of Spain ſeems to be in,

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in, and what we may expect by the Delay which this preliminary Convention muſt occaſion; and, I ſhould be glad to know, how we can form any Judgment as to this Point, without ſeeing at leaſt thoſe Memorials and Repreſentations, which our Miniſters have thought fit to make to the King of Spain and his Miniſters; for, from what his Majeſty has told us of the Convention, I am ſure we can form no Judgment as to this Point, from any Article in the Convention itſelf.

I do not know, Sir, what ſome Gentlemen may think his Majeſty means by ordering the Convention to be laid before us. Perhaps they may think, that we ought only to read it over, and thereupon preſent a polite Addreſs in the modern Way, applauding the Wiſdom of his Majeſty's Meaſures, that is to ſay, the Wiſdom of thoſe who adviſed him to take ſuch Meaſures. But, I muſt think, his Majeſty does not mean any ſuch Thing. He means, I am ſure, that we ſhould not only read it, but examine it thoroughly, and that, after we have examined the whole Affair to the Bottom, we ſhould give him our honeſt and ſincere Opinion. This, I am convinced, is what his Majeſty means by ordering the Convention to be laid before us; and this we cannot comply with, till at leaſt the Papers now moved for be laid before us; therefore in Duty to his Majeſty, as well as out of Regard to our own Honour, we ought to agree to the Motion.

Sir Robert Walpole

Sir Robert Walpole.

Sir,

'I believe no Gentleman who has the Honour to be a Member of this Houſe ſuppoſes, that we are not to examine into the Nature of the Convention lately concluded with Spain, or that his Majeſty intends we ſhould not. I am ſure I do not ſuppoſe any ſuch Thing: On the contrary, I hope, that when it is laid before us, we ſhall not only examine thoroughly every Article of it, but alſo that we ſhall examine into the preſent Circumſtances of Affairs both at home and abroad; which we muſt do, before we can form a right Judgment of the Convention his Majeſty has agreed to. When the ſeveral Articles are particularly examined, and all Circumſtances duly conſidered, we ought then to give our moſt ſincere Opinion and Advice to his Majeſty; and, from the View I have of our preſent Circumſtances, and what I have heard or know of that Convention, I believe the Opinion of this Houſe will be, that the concluding and ratifying the Convention was one of the wiſeſt Meaſures his Majeſty could take; and our Advice, I doubt not, will be, that his Majeſty ſhould proceed upon the Foundation laid by that Convention, and endeavour, by peaceable Methods to put

put an End, by a definitive Treaty, to all the Diſputes now ſubſiſting between the two Nations.

I ſhall grant, Sir, that in order to examine thoroughly into the Nature of the Convention, and into the Circumſtances of our Affairs both at home and abroad, it will be neceſſary for us to have a great many Papers laid before us. But in calling or addreſſing for Papers of any Kind, we ought at all Times to be extremely cautious, eſpecially in calling for Papers relating to any Tranſaction which is not then finally concluded. The Gentlemen who have already ſpoke againſt this Motion, have ſaid ſo much with regard to the Danger and Inexpediency of it at this Time, that I have nothing to add on that Head. Only, Sir, I beg Leave to advance one general Obſervation upon what they have ſaid, and that is, that when we find ourſelves obliged to take an Affair into our Conſideration, before it is brought to a final Concluſion, I do not think it would be bad Policy in this Houſe, to lay it down as an eſtabliſhed Maxim, never to addreſs for any Papers upon ſuch Occaſions, but to leave it entirely to his Majeſty, to order ſuch Papers to be laid before us, as he might think neceſſary for giving us a proper Light into the Affair, and ſuch as he knew might be ſafely communicated.

'To apply what I have ſaid to the Caſe now before us: It muſt be allowed, Sir, that the Convention lately concluded with Spain, relates to an Affair not yet finally ended. It relates to an Affair now under Negotiation between the two Courts; for, I ſhall readily agree, that the Articles of the Convention can at beſt be called but a Sort of preliminary Articles, which are to be further explained and perfected by a definitive Treaty; and if a ſatisfactory Treaty may be obtained by peaceable Means, and in Conſequence of theſe preliminary Articles, which no Man can ſay is impoſſible, it would be wrong in us to do any Thing, or to call for any Paper, which by being made publick, might diſappoint ſo good an Effect. Now, as this Convention was, as every preliminary Agreement muſt be, preceded by a Negotiation, ſome Things may have paſſed during that Negotiation, which the Court of Spain would not deſire to be made publick, and would even look on it as a high Affront, in caſe they ſhould be made publick. We know how jealous Princes are even of what is called the Punctilio of Honour; and therefore we muſt know, that it is always dangerous to publiſh the Tranſactions of a Negotiation till ſome Time after it has been concluded. While ſuch Tranſactions remain ſecret, many Things may be ſaid and done by both Parties without much Notice, which either Party would think himſelf in Honour obliged to reſent in the

highest Manner, in case they should be made publick. Therefore, with regard to those Memorials and Representations that have been sent to the Court of Spain, and must consequently be already known to that Court, it would not, perhaps, at present, be very prudent to publish them; because it might alter the present good Humour which the Court seems to be in, and might render it impossible for us to obtain either Satisfaction, Reparation, or Security, any other Way but by Force of Arms.

'I shall grant, Sir, that in order to know how Matters stand at present between us and Spain, the Causes of our present Disputes, and the Measures his Majesty has taken to put an End to them, it would be proper for us to see all the Papers that have been mentioned, and a great many more than have been now moved for. We cannot propose to acquire a full and perfect Knowledge of these Matters, and of the Circumstances of Affairs at home and abroad, without having a compleat Knowledge of all the Negotiations that have been lately carried on, or are now carrying on, not only between us and Spain, but between us and every other Power in Europe; but this is a Knowledge, which every one must admit, his Majesty neither can, nor ought to communicate to Parliament. I have shewn, that the communicating all those Papers that are now moved for, might be of the most dangerous Consequence; and even the honourable Gentleman himself who moved for those Papers, allows, that we ought not to desire all the Memorials, Representations, and Answers received from the Court of Spain, to be laid before us; because our rendering the Contents of some of them publick, might put a stop to our Negotiations, and make the Court of Spain refuse to treat any longer with us. Are not we, Sir, to apprehend the same Consequence, from our rendering publick the Memorials and Representations that have been made to the King of Spain, or his Ministers? For the Memorials and Representations that have been made by us, must relate to, and may probably recite a great Part, if not the whole Substance, of those we have received.

'What are we then to do in such a Case, Sir? We cannot desire a full and perfect Knowledge of all such Affairs. We must content ourselves with such a Knowledge as may be safely communicated to us, without injuring the publick Affairs of the Nation: And we must leave it to his Majesty to judge, what may be safely communicated. We may depend upon his Goodness, and the Regard he has for his Parliament, that he will, upon this Occasion, communicate to us every Paper, and every Transaction relating to the Spanish Depredations, that can be safely communicated: But his Wisdom, and the Regard he has for the

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Honour and Intereſt of his Kingdoms, muſt prevent his communicating to us any Thing that ought not, that cannot be ſafely made publick; and we ought not, by an unſeaſonable Addreſs, to raiſe a Conteſt in his Royal Breaſt, between his Goodneſs and Wiſdom, or between the Regard he has for his Parliament, and the Regard he has for the Honour and Intereſt of his Kingdoms.

'The Reſolutions we have already come to, I did not, it is true, oppoſe; but it was not, Sir, becauſe I entirely approved of them. It was, becauſe I did not ſee any Thing in them, but what his Majeſty, I thought, might comply with: I did not apprehend that by any of them, there were Papers called for that might not be ſafely made publick: But with regard to the laſt Reſolution the honourable Gentleman has been pleaſed to propoſe, the Caſe is very different. At firſt View of it, I ſee, that there are Papers called for, which it may not be ſafe to make publick: Some of thoſe Papers, I think, may probably be ſuch, as would diſcloſe the Secrets of our Government, or interrupt, if not put a full Stop to, the Courſe of our Negotiations: Therefore I muſt look upon the Addreſſes propoſed by that Reſolution, to be of ſuch a Nature, that there is the higheſt Probability of his Majeſty's not being able to comply with them; and whilſt I have the Honour to have a Seat in this Houſe, I ſhall always be ready to give my Teſtimony againſt our reſolving to deſire any Thing of his Majeſty by an Addreſs, which I think he cannot, conſiſtently with the Honour of his Crown, or the Intereſt of his Kingdoms, fully comply with.

'From what I have ſaid, Sir, I hope every Gentleman will ſee, that there is a great Difference between the Addreſſes we have agreed to, and the Addreſs now propoſed. By the former we deſire nothing of his Majeſty, at leaſt ſo far as we can comprehend, but what he may comply with, without divulging the Secrets of his Government, and running the Riſk of defeating thoſe Negotiations he is carrying on, for ſecuring the Trade and Navigation of his Kingdoms. By the latter we are to deſire of his Majeſty, what I think I have ſhewn he cannot, in all probability, ſafely comply with. This is the proper Diſtinction between the Addreſſes we have agreed to, and the Addreſs now propoſed; and every Gentleman that makes this Diſtinction, may eaſily ſee a good Reaſon for his giving a Negative to the latter, notwithſtanding his having given his Aſſent to the former; for all thoſe who think there is any Thing deſired by the Addreſs now propoſed, which his Majeſty cannot ſafely comply with, muſt, I think, in Duty to their Sovereign, give their Negative to the Queſtion.

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'I ſhall conclude with obſerving, Sir, that it would be highly imprudent in us at preſent, to preſent any Addreſs that his Majeſty could not fully comply with; for if foreign Courts, and particularly the Court of Spain, ſhould be informed, that the Parliament had begun to preſent Addreſſes which the King could not comply with: If they ſhould hear that his Majeſty had, in the leaſt Article, refuſed to comply with the Requeſt of his Parliament, they would immediately begin to preſume, that a Breach was to enſue between King and Parliament: They would then begin to believe, that there is ſome Truth in what they have ſo often been told, by the Libels ſpread about this Kingdom; that the People of this Kingdom are a divided People; that they are diſaffected to their Sovereign; and that the Parliament had now begun to do, what they have often done, what I hope they will always do, when there is a juſt Occaſion, which I am ſure is far from being the Caſe at preſent: I mean, that the Parliament had begun to eſpouſe the Cauſe of the People againſt the King and his Miniſters. This preſumption, Sir, would make not only the Court of Spain, but every Court we have any Difference with, leſs pliable, or more unreaſonable than they are at preſent; and at the ſame Time, it would give the other Courts of Europe ſuch a contemptible Opinion of us, as would of Courſe prevent them joining in any Alliance with us; by which Means we would render it not only impracticable to obtain Satisfaction from the Court of Spain by fair Means, but impoſſible to obtain it by Force of Arms; and as this would be one of the moſt unfortunate Situations this Nation could be reduced to, I am ſure every Gentleman that has a Regard for his native Country, and views the Queſtion now before us in the ſame Light, will join with me in putting the Negative upon it.'

William Pulteney Eſq;

Mr. Pulteney.

Sir,

'I wiſh his Majeſty's Name were not ſo much made uſe of in this Houſe, as it uſually is. Some Gentlemen ſeem to affect talking in his Majeſty's Name of every publick Meaſure that happens to be mentioned in this Houſe, tho' they know that when we enquire into any publick Meaſure, or the Management of any publick Tranſaction, we enquire into it, and we paſs our Judgment upon it, as a Thing done not by his Majeſty, but by his Miniſters. Therefore, I think they would alter a little their Manner of talking, and inſtead of the Word Majeſty, make uſe of the Word Miniſters, or if they pleaſe, Miniſter. If they ſhould ſay, for Example, in the preſent Caſe, that we ought not to deſire any Thing of the Miniſter, which we think he cannot ſafely comply with; it would be a more proper Manner of

expreſſing themſelves, and more conformable to the Rules of Proceeding in Parliament, than to ſay, that we ought never to deſire any Thing of his Majeſty, which we think he cannot ſafely comply with; and I muſt leave it to Gentlemen to conſider, what Sort of a parliamentary Maxim it would be, to reſolve, that when we find ourſelves obliged, when the unfortunate State of the Nation is in makes it neceſſary for us, to take an Affair into Conſideration before it is finally concluded, we ought never to call for any Papers upon ſuch an Occaſion, but to leave it entirely to the Miniſter, to lay, or order ſuch Papers to be laid before us, as he knew he might ſafely communicate to thoſe whoſe Buſineſs it is to enquire into his Conduct. This, I confeſs, would be a Maxim extremely convenient for Miniſters, and therefore I am not at all ſurprized to hear it come from the Corner from whence it does.

'But, Sir, to be ſerious upon the Subject now before us; for conſidering the unfortunate Situation the Affairs not only of this Nation, but of Europe, are in at preſent, it is a Subject of as ſerious a Nature, as ever came before a Britiſh Parliament: I muſt obſerve, that when this Houſe reſolves to take any particular and extraordinary Affair into Conſideration, it is impoſſible for his Majeſty to know what Papers, or other Things may be neceſſary for giving us a proper Light into the Affair. His Miniſters may perhaps know, but in former Ages, Miniſters have been known to conceal induſtriouſly from their Sovereign, many Things they knew; and ſuch as they ought in Duty to have acquainted him with; and therefore our Parliaments never truſted to the King's Miniſters for giving him Information in this Particular. They conſidered themſelves the Affair which was to come before them; they conſidered what Papers, or other Things, would be neceſſary for giving them a proper Light; and if thoſe Papers were ſuch as muſt be communicated by the Crown, they addreſſed his Majeſty, that he would be pleaſed to give Directions for laying ſuch or ſuch Papers before them. It is therefore from the Addreſſes of this Houſe only, that his Majeſty can know what Papers may be neceſſary to be laid before us upon any ſuch Occaſion; and, when his Majeſty ſees what we addreſs for, he may then judge, whether the Papers called for, or any of them, be ſuch as ought not to be made publick.

'If the honourable Gentleman's Maxim were to be admitted as an eſtabliſhed Maxim for our Conduct in this Houſe, we could never addreſs for Papers relating to any publick Affair that had been tranſacted within the ſame Century; for there is no publick Affair but what may probably have ſome Papers belonging to it that ought not to be

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made publick. At this Rate, Sir, we must always leave it entirely to his Majesty, that is to say, to his Majesty's Ministers, to lay no Papers before us but such as they think may be safely communicated to Parliament; in which Case, every one must see, that we could never enquire into the Conduct of any Minister, while he continues a Favourite of the Crown; for no Minister will ever think it safe to lay any Paper before Parliament, that may be a Foundation for, or may any way support, an Accusation against himself; and, upon this Maxim, he would always have an Excuse for not laying such Papers before Parliament, by saying, that they contain Secrets relating to some Affair in Agitation, which must not be discovered till the Affair is brought to a Conclusion.

'This shews, Sir, how ridiculous it would be to establish such a Maxim, and therefore, I hope we shall continue to follow the antient Maxim of this House, which has always been, to call for all such Papers as we thought might contribute towards giving us a full and perfect Knowledge of the Affair we were to enquire into, without regarding whether or no the Papers we thought necessary for this Purpose were such as might probably contain some Secrets of State. If any of them are of such a Nature, we may appoint a secret Committee for examining into them, and reporting such Parts of them as are necessary for our Information; but, till his Majesty has acquainted us that some of them are of such a Nature, we have no Occasion for appointing such a Committee. This therefore can be no Objection against our addressing for all or any of the Papers now proposed to be addressed for; but, for my own Part, I cannot so much as imagine, that there are any important Secrets, I mean such as the Honour or Interest of the Nation is concerned in keeping; I say, I cannot imagine, that there are any such in our late Negotiations with Spain, or in any of our late Transactions relating to the Spanish Depredations. I am sure they have made no Secret of the Claims they have lately set up against us, nor of the Insults they have put upon us: On the contrary, they seem to be fond of publishing them, that the World may know how contemptuously they have used us. I do not know but that there may be some Secrets that ought to be discovered, Secrets, in the discovering of which, both the Honour and Interest of the Nation may be deeply concerned; but this surely can be no Argument against our calling for Papers by which such a Discovery may be made; and, if any of the Papers now called for can be supposed to contain Secrets of such a Nature, it is a strong Argument for agreeing to the Motion; for, without such an Address, we can hardly expect to have them laid before us.

If

'If a Preſumption, that the Papers to be called for were ſuch as ought not to be made publick, ſhould be allowed to be an Objection of any Weight againſt the Reſolutions now propoſed, it muſt be allowed, Sir, that it was an Objection of equal Weight againſt every Reſolution we have agreed to. If the Governors of our Plantations, or any Commander in Chief, or Captains of his Majeſty's Ships of War, had not got a full Reparation, nay ſo much as the Promiſe of a full Reparation, for the Loſſes our Merchants and Seamen have ſuſtained: If it ſhould appear, that we have got no Security, nor ſo much as the Promiſe of any Security, for our Trade and Navigation in Time to come; it would then, Sir, be incumbent upon us, to appoint a Day for reſolving into a Committee to take the State of the Nation into our Conſideration; and, in that Caſe, I ſhall grant, that it would be neceſſary for us to addreſs his Majeſty, that he would be pleaſed to give Directions for laying before a ſecret Committee to be appointed for that Purpoſe, a full and exact Account of all our late Negotiations; in order that we might have a full View of the Circumſtances the Nation is in, not only with reſpect to its domeſtick Affairs, but alſo with reſpect to foreign Affairs. Without ſuch a View, it would be impoſſible for this Houſe to come to any proper Reſolutions, or to give his Majeſty any proper Advice. If the Nation has been brought into ſuch Diſtreſs, as to be obliged to accept of ſuch a diſhonourable and diſadvantageous Treaty, rather than attempt to vindicate our Honour and our Rights by Force of Arms, we cannot expect that thoſe who brought us into ſuch Diſtreſs will ever be able to relieve us. If any Relief be poſſible, it muſt come from Parliament; and it is not the firſt Time the Parliament has relieved this Nation from the utmoſt Diſtreſs. But, in ſuch Caſes, we muſt have a full View of our Affairs; we muſt not ſhew ſuch a Complaiſance for our Miniſters, as to deny ourſelves any neceſſary Information, for fear of bringing them into Difficulties.

'From what I have ſaid, Sir, I hope it will appear, that there is nothing in the Addreſs now propoſed, but what his Majeſty may comply with, but what he certainly will comply with. If there be any of the Papers now propoſed to be called for, of ſuch a Nature as ought to be kept extremely ſecret, his Majeſty may tell us ſo, and we may then appoint a ſecret Committee for inſpecting them, and reporting ſuch Parts of them as may be ſafely communicated. This may perhaps be the Caſe, with regard to ſome of the Papers we have already reſolved to addreſs for: There is as great a Probability, that this may be the Caſe with regard to ſome of them, as there is of its being the Caſe with regard

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gard to ſome of the Papers now propoſed to be addreſſed for. But if there were not, it would be no Reaſon for our not calling for a Sight of Papers that are abſolutely neceſſary for our Information, in a Caſe that is to come before us, a Caſe in which both the Honour and Intereſt, I may ſay, the very Being of this Nation, make it neceſſary for us to be fully informed.

'In all Parliamentary Enquiries, the Sovereign of these Kingdoms can never be led by Motives founded upon the Honour of his Crown, or the Intereſt of his Kingdoms, to refuſe his Parliament any Thing they think neceſſary for their Information, with reſpect to the Affair they have resolved to enquire into: He may be led ſo to do, by the Advice of bad Miniſters, who never give him ſuch Advice, but for the Sake of ſcreening themſelves from that national Vengeance that is ready to fall upon them. But his preſent Majeſty has too much Wiſdom and Goodneſs to follow any ſuch pernicious Advice: He knows, that the following ſuch Advice has ſometimes proved fatal even to the Crown itſelf; and has never as yet, thank God! long preſerved the guilty from Punishment. His Majeſty's Goodneſs will in all Caſes induce him to give the utmoſt Satisfaction to his People, and from his Wiſdom we muſt preſume he knows, that in giving Satisfaction to his People, conſiſts the Security of his Crown and the Happineſs of his Kingdoms.

'Therefore, Sir, what his Majeſty may, or may not comply with, is a Queſtion that cannot enter into the preſent Debate. The only Queſtion that can enter into the preſent Debate is, what Papers may, or may not be neceſſary for our Information, with regard to the Affair that is ſoon to come before us; for whatever Papers we may think neceſſary for that Purpoſe, his Majeſty will, upon our Requeſt, ſignified to him in the uſual Manner, cerainly order to be laid before us.

'For this Reaſon, Sir, the only Queſtion now under our Conſideration is, Whether the Papers now propoſed to be addreſſed for, are ſuch as are neceſſary for giving us ſuch a Light into the preſent Circumſtances of our Affairs, with regard to Spain, as may enable us to form a right Judgment of the Convention that is, I hope, ſoon to be laid before us? And with reſpect to this Queſtion, Sir, the honourable Gentleman who made the Motion, has fully ſhewn, That the Papers now propoſed to be addreſſed for, are not only neceſſary, but more neceſſary upon the preſent Occaſion, than the Papers we have already reſolved to addreſs for. Nay, it is a Queſtion that ſeems not to be diſputed, even by thoſe who have ſpoke againſt the Reſolutions now propoſed; for they have grounded the whole of their Reaſoning upon a Suppoſition,

ſition, that ſome of the Papers now propoſed to be addreſſed for, may be ſuch as ought not to be made publick; and as I have ſhewn that this can be no Argument againſt our addreſſing for them, I am perſuaded every Gentleman who has a real Deſign that we ſhould examine thoroughly into the Nature of the Convention, that is be laid before us, or that we ſhould be able to form any Judgment of it, will be as ready to give his Aſſent to the Reſolution now propoſed, as he was to give his Aſſent to thoſe we have already agreed to.

'As there is nothing, Sir, in the Reſolution propoſed, but what his Majeſty may comply with, as there is nothing but what he will certainly comply with; therefore, from our agreeing to the Reſolution, no foreign Court can preſume, that a Breach is like to enſue between his Majeſty and his Parliament; nor can they from thence be induced to believe, what the honourable Gentleman ſays has been told them by ſome Libels lately publiſhed in this Kingdom. For my Part, I know of no ſuch Libels: I do not know that it has been aſſerted in any Libel lately publiſhed, that the People of this Kingdom are generally diſaffected to his Majeſty and his Family. I am perſuaded no ſuch arrogant Lye has been aſſerted in any Libel lately publiſhed, unleſs it be in ſome of thoſe lately publiſhed in Favour of keeping up numerous Armies in Time of Peace. But ſuppoſe ſuch a Lye to have been publiſhed in ſome ſuch a Libel, I do not believe that foreign Courts are ſuch minute Politicians as to build any Hopes upon, or give any Credit to what is aſſerted in ſuch villainous Libels. They build upon a better Foundation, becauſe they generally ſend ſuch Miniſters here, as can give them a true Information of the Diſpoſition of the People; and from them they know, that the People are generally well affected towards his Majeſty and his Family, how ever much they may be diſſatiſfied with ſome of his Majeſty's Miniſters.

'This, thank God! Sir, is as yet the Diſpoſition of our People. But if they ſhould long continue under the Inſults they have met with; if they ſhould be long amuſed with tedious and fruitleſs Negociations, or ſham Treaties; if they ſhould find the Parliament ſupporting and applauding ſuch Meaſures, God knows where they may fly for Relief. They may then, indeed, become generally diſaffected, as well as diſſatisfied; and this perhaps is what ſome foreign Courts are driving at; but it is to be hoped they will, by the Wiſdom and Integrity of this Houſe, be diſappointed in their Aim. If they are not, the moſt perfect Harmony between King and Parliament, would add but little Weight to our Negociations at any foreign Court; for it is upon the Affections of the People

for the King, and againſt his Miniſters; for the C
King and People muſt always be the ſame; but
and the Cauſe of a Miniſter may often be diff
ſometimes be in direct Oppoſition. Therefore, if
ſhould ever happen to be ſo unfortunate as to b
Adminiſtration generally diſliked by the People,
Thing the Parliament could do, would be to advi
render it neceſſary for the King, to make a thorou
as to the Perſons employed in the Adminiſtratio
Breach as this would be, upon ſuch an Occaſio
Means that could effectually reſtore the Influe
Character of the Nation, at all foreign Courts; b
would then expect to ſee, in this Nation, a
Miniſters, and new Meaſures. They would ex
a Miniſtry choſen, and Meaſures concerted, by
of a free and independent Parliament, and with
bation of a brave and a free People; and from ſu
ſtry, and ſuch Meaſures, this Nation has always
Honour, and great Advantage.

'I ſhall conlude, Sir, with ſuppoſing the wo
be ſuppoſed from our agreeing to this Reſolutio
that his Majeſty ſhould be induced by bad Coun
ſo reaſonable a Requeſt in his Parliament. Th
hardly to be ſuppoſed; but if it ſhould unfortuna
to be the Caſe, it would be a full Proof that the
bad Counſellors about his Majeſty, and this Diſco
be a great Advantage to the Nation; for it wou
come our Buſineſs and our Duty to find out thoſe
ſellors, and to remove them from his Majeſty

Nation in general; and as this plainly appears to be the Caſe, therefore hope it will be agreed to.'

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Upon a Diviſion, the Queſtion paſſed in the Negative. Ayes 120, Noes 200.

Diviſion; Ayes 120, Noes 200.

Feb. 8th. The Houſe received the Convention with the ſeveral Ratifications thereof.

The Convention laid before the Houſe.

Feb. 10th. The Houſe agreed to the Report of Yeſterday's Reſolution on the Supply: Viz. Reſolved that 12,000 Seamen be appointed for the Service of the Year 1739.

The Reports for employing twelve thouſand Seamen for the Year 1739, agreed to.

Feb. 13th. Ordered an Addreſs to his Majeſty to lay before them Copies of ſeveral Memorials, &c. ſince the Treaty of Seville, touching the Rights of Great-Britain or any Infraction of Treaties which have not been laid before them.

An Addreſs for Memorials &c. ſince the Treaty of Seville, ordered.

Feb. 14. The Houſe having reſolved itſelf into a Committee of Supply, Sir William Yonge ſtood up, and ſpoke to the following Effect.

Committee of Supply.

Sir,

Sir William Yonge moves that 17704 Land Forces be appointed for the Year 1739.

'As it is the Buſineſs of this Committee, not only to provide for the Army, but to determine the Number of Forces that is to be kept up for the Service of the enſuing Year, I think it my Duty to propoſe to you the Number, which I think neceſſary for that Purpoſe. It is at preſent, Sir, ſo evident, that we are in a precarious Situation with regard to our Affairs abroad, and that there is ſtill, to our Misfortune, ſubſiſting amongſt us, a reſtleſs and diſaffected Faction at Home, that I ſhould not think it neceſſary to ſay any Thing in Favour of the Motion I am to make, if great Pains had not of late been taken to perſuade People, that there is no Difference between a numerous ſtanding Army kept up within the Kingdom in Time of Peace, without Conſent of Parliament, which can never be kept in ſuch a Manner, but with a View to deſtroy our Liberties, and a proper Number of regular Forces kept up, from Year to Year, by Authority of Parliament, for no other Purpoſe but to preſerve the Tranquility of the Nation, protect us againſt our foreign or domeſtick Enemies, and aſſiſt the civil Magiſtrate in the due Execution of the Laws of the Kingdom.

'As to the preſent Circumſtances of our Affairs abroad, Sir, particularly with regard to Spain, it may be properly ſaid, we are as yet in a State of War. The Number of Land Forces we have kept up, and the powerful Squadrons we have from time to time fitted out, have, 'tis true, prevented that Nation from coming to an open Rupture with us; and have, at laſt, compelled them to agree to a reaſonable Convention for ſettling all Differences between the two Nations in an amicable Manner; but that Convention can be ſaid to be no more, than a Preliminary towards a future definitive Treaty of Peace: The principal Differences between

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the two Nations remain, as yet, to be adjuſted by a future Treaty; and if we keep ourſelves in a proper Poſture of Defence, I do not doubt but that they will be adjuſted to our Satisfaction; but it was never yet heard, that either of the Parties engaged in War, began to disband their Armies, as ſoon as Preliminary Articles for a Treaty of Peace were agreed on. In ſuch a Caſe, both Parties rather encreaſe than diminiſh their Forces, in order to convince the other, that they are ready to continue or to recommence War, if the Preliminaries ſhould not, in due Time be carried into Execution, by an equal and ſolid Treaty of Peace. Therefore, if we duly conſider the preſent Circumſtances of our Affairs abroad, we muſt reſolve to keep up the ſame Number of Land-Forces we had laſt Year.

Then as to our Affairs at home, Sir, can any one ſay that the Number of the Diſaffected and Seditious is leſs than it was laſt Year? Can any one ſay that they are more quiet, or leſs apt to take the firſt Opportunity for raiſing Civil War and Commotions in their native Country? Sir, the many virulent, falſe, and ſeditious Libels, that are daily publiſhed againſt his Majeſty and his Government, are ſufficient Teſtimonies, that the Diſaffected are neither leſs numerous, nor more inclined to remain quiet, and ſubmit to the Government, which protects them in the free Enjoyment of what they poſſeſs, than they were laſt Year. It is amazing, I think, what an infinite Number of infamous Libels are daily weekly, monthly, and occaſionally, printed and diſperſed through the whole Kingdom, highly reflecting upon his Majeſty, and upon every Man he is pleaſed to employ in conducting the publick Affairs of the Nation. When we reflect upon it, we cannot but admire the Lenity of his Majeſty's Government, and the Patience and Good-nature of almoſt every Man that has any Influence upon his Counſels. With regard to Printing and Publiſhing, no Man can ſay, that the Diſaffected and the Seditious amongſt us, have of late Years kept themſelves within the Bounds of Decency; but if it were not for the Number of Land-Forces we keep up, we could not expect that they would keep themſelves within the Bounds of Law. They would openly, and in Defiance of the civil Magiſtrate, tranſgreſs, in the moſt flagrant Manner, the known Laws of the Kingdom; becauſe it would be impoſſible for any civil Magiſtrate to put the Laws in Execution againſt them: The Conſequence of which would certainly be Anarchy and Confuſion; and this would as certainly end in a Diſſolution of our Conſtitution, and an Eſtabliſhment of arbitrary Power. Of this we have a recent Example but in the laſt Century, which ought to be a Warning to us, not to leave our Government deſtitute of thoſe Means, which are neceſſary for ſupporting it againſt the Diſaffected and Seditious,

as well as againſt thoſe who are fond of Changes, and of new-modelling our Conſtitution. Therefore, while there is ſuch a Faction amongſt us, we ought to keep up ſuch a Number of Land-Forces, from Year to Year, by Authority of Parliament, as may be ſufficient for keeping that Faction, if not within the Rules of Decency, at leaſt within the Bounds of Law: As that Faction cannot be ſaid to be now leſs numerous, or leſs turbulent, than they were laſt Year, we muſt reſolve to keep up the ſame Number of Land-Forces for the Year enſuing. Anno 12 Geo. II. 1738-39.

'To this, I muſt add, Sir, that as a Reduction of our Army would increaſe the Hopes of the Diſaffected and Seditious, and conſequently make them more apt to raiſe publick Diſturbances, or to join with any foreign Power for that Purpoſe, it would of Courſe derogate from the Authority, and diminiſh the Weight of our Negociations at foreign Courts, and would make ſuch of them, as had any Diſputes with us, more haughty in their Behaviour towards us, and more obſtinate in their Demands; for we could expect no Regard or Eſteem from our foreign Enemies, if our Government were in ſo weak a Condition, as not to be able to keep its domeſtick in Awe. They would inſiſt upon high Demands, and would make no Compliances, becauſe they would expect that our Government would grant them any Thing, rather than come to an open Rupture; and becauſe they would ſuppoſe that, if contrary to their Expectations, we ſhould come to an open Rupture, they would be able to prevent us from doing them any Miſchief, by giving our Government enough to do to defend itſelf againſt the diſaffected Party at home, encouraged by the Weakneſs of our Government to rebel, and ſupported by the Supplies, which our foreign Enemies might ſend from Time to Time to their Aſſiſtance.

'From hence, Sir, we may ſee the Diſadvantage we ſhould be under by not keeping up a ſufficient Body of regular Troops, with regard to our Enemies, or ſuch foreign States as we may have any Diſputes with; and with regard to Allies, we could not expect to have any; for as all Alliances are eſtabliſhed upon the mutual Advantage or Security of the two contracting Parties, and can be no longer preſerved, than while that Advantage or Security continues mutual, what Advantage or Security could any State in Europe expect from this Nation, if our Government, ſo far from having any regular Troops, to ſend to their Aſſiſtance, had not a ſufficient Number to protect itſelf againſt domeſtick Enemies? In ſuch a Caſe, 'tis certain, no foreign Nation could expect any Advantage or Security from an Alliance with this Nation, and conſequently would neither ſtipulate to give us any Aſſiſtance, nor perform any Stipulations they have already made

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for that Purpoſe; which would be an additional Enc ment thoſe that are now our Enemies, or that may h become our Enemies, for to inſult us in every Part World.

'Thus, I think, Sir, it is plain, that we muſt ne ly keep up a ſufficient Number of Land-Forces, at this enſuing Year; and as our Circumſtances are every Reſpect, the ſame they were laſt Year, no leſs a ber can be ſuppoſed to be ſufficient for the enſuing Year what was deemed by the Parliament laſt Seſſion, nec for the Service of the Year now near expired. Th have made a Step, and I hope it will be a ſucceſsful on wards eſtabliſhing a ſolid and laſting Peace; yet it m acknowledged, that our Affairs abroad are as yet in a uncertain Situation; and as to our Affairs at home, we the Libels publiſhed againſt the Government as num and as virulent, and Mobs and Riots among the Peop frequent, as they were about the Beginning of laſt Seſſi Parliament, or indeed, as ever they were in this or other Nation, where there was a certain Form of Go ment regularly eſtabliſhed.

'But, Sir, whatever Number of Land-Forces you think ſufficient for the enſuing Year, as long as they are up by Authority of Parliament, and from Year to Year o they muſt be widely different from a ſtanding Army, kep without any ſuch Authority. For as the keeping up ſtanding Army in Time of Peace, but for one Day, wi the Conſent of Parliament, is of itſelf an Invaſion upo Conſtitution; ſuch an Army can be kept up for no Purpoſe but to deſtroy our Conſtitution, in order to thoſe who have, by ſo doing, made an Invaſion ag againſt that Puniſhment which is due to them for tran the moſt fundamental Laws of their Country. Wh ſufficient Number of regular Troops, kept up by A ty of Parliament, and from Year to Year only, can b up for no other End, but to preſerve our Conſtitutio cauſe the Parliament will never conſent to the keepin a greater Number than is ſufficient for that Purpo will they conſent to the keeping up of any Number than it appears abſolutely neceſſary for preſerving the tution, and defending us againſt our foreign and do Enemies.

'For theſe Reaſons, Sir, I muſt think the leaſt N we can propoſe to keep up for the enſuing Year, for and Garriſons in Great Britain, and for Guernſey a ſey, muſt be, including 1815 Invalids, and 555 Men, the ſix independent Companies conſiſt of for the Ser the Highlands) 17704 Men, Commiſſion and Non miſſion Officers included.

Mr. Shippen.

Sir,

I muſt ſay, I am not a little ſurpriſed at the Motion I have now heard made to you. When the preliminary Convention between this Nation and Spain was laid before us, I peruſed it with great Attention, in order to ſee what Advantages we had got by it; and when I could find no one Advantage we had got, with regard to the Diſputes between the two Nations, I concluded that our Miniſters had got ſome private Aſſurances from Spain, that all would be ſet right in a ſhort Time by a definitive Treaty of Peace, and that they had in the mean Time agreed to this preliminary Treaty and a Suſpenſion of Arms, with a View to ſave ourſelves ſome Expence by a Reduction of our Land Forces.

'Spain has, it is true, Sir, for many Years, been in a State of War againſt this Nation, tho' we have never once committed any real Hoſtility againſt them. But after the moving Application that was made laſt Year to Parliament, after the ſtrong Reſolutions both Houſes then came to, and after the expenſive Preparations we made laſt Summer, I could imagine, that we were at laſt to begin Hoſtilities in our own; and when I heard that a Treaty was on foot, I concluded that Spain had been ſo wiſe as to apply to us for a Suſpenſion of Hoſtilities, and for that Purpoſe, had propoſed to make ſuch Conceſſions, by preliminary Articles, as might ſerve for the Baſis of a ſolid and honourable Treaty of Peace.

In Treaty-making, Sir, it is uſual to leave ſuch Articles as require a long Diſcuſſion, to be ſettled afterwards by Commiſſaries; but Preliminaries to a Treaty, between two contending Nations, are never concluded, at leaſt they are ſeldom formally and ſolemnly agreed on, except when one of the Parties is afraid of ſuffering by an open Rupture, or by a Continuance of the War. When this is the Caſe, the Party in Danger applies for having a Suſpenſion of Arms upon certain Preliminaries, and generally offers to give ſome Pledge, as a Security for the Performance of ſuch Preliminaries as ſhall be agreed on. Moſt of us remember, that the Treaty of Utrecht was preceded by Preliminaries, and a Suſpenſion of Arms between France and us; but then, as we were in no Danger by a Continuance of the War, we would agree to neither, till France put Dunkirk into our Hands, as a Pledge for her Performance of the Preliminaries. This, I ſay, was the Method of Treaty-making at the Time of the Treaty of Utrecht, and, I believe, for all Ages before that Time; but what has been our Method ſince that Time, I cannot take upon me to ſay: So far however I may ſay, that whatever has been our Method of Treaty-making ſince

Anno 12 Geo. II. cap. 39.

Mr. Shippen.

that

Anno 1st Geo. II. 1727-28.

that Time, and God knows we have made enough of it, we have got nothing by it; for, if we have preſerved ourſelves in a Sort of Peace, we have made no Advantage of that Peace: Our Taxes are more numerous, and our publick Debt as great as it was at the End of the War; and, I believe, our Trade is not near in ſuch a flouriſhing Condition as it was during the War.

'Therefore, Sir, I cannot ſay that I entirely depended upon our having obſerved the uſual Method of Treaty-making; but for the ſake of my Country, I hoped we had; and as I could not ſuppoſe that we were in Danger of being Sufferers by an open Rupture with Spain, I concluded, that by the preliminary Convention I heard talk'd of, they had agreed to make ſome general Conceſſions with regard to the Diſputes between us, and to put ſome Pledge into our Hands, as a Demonſtration of their Sincerity, which, I am ſure, we have had great Cauſe to doubt of, for almoſt theſe 20 Years paſt.

'But when I ſaw this Convention, how greatly was I diſappointed! Inſtead of their making Conceſſions to us, we have made, I think, moſt dangerous, I ſhall not ſay diſhonourable, Conceſſions to them, and have got nothing in Return, no not ſo much as a Suſpenſion of their uſual Hoſtilities. Inſtead of their giving us a Pledge, we have given one to them, by agreeing that Things ſhall remain in Florida and Carolina, in the Situation they are in at preſent, without increaſing the Fortifications there, or taking any new Poſts. In ſhort, Sir, by this Convention, Spain has not even agreed even to ſuſpend Hoſtilities, yet we have agreed not to provide for our Defence; from whence it ſhould ſeem as if we had ſued to Spain for a Suſpenſion of Arms, upon any Preliminaries they might think fit to preſcribe; and yet I cannot think the Nation had any Reaſon to be afraid of an open Rupture with Spain, whatever ſome Perſons amongſt us may have; for, from our agreeing to ſuch Preliminaries, I muſt either think that there are ſome Perſons amongſt us that are moſt terribly afraid of it, and are therefore willing to yield to any Thing, rather than come to an open Rupture with that Nation; or I muſt think, as I have ſaid, that our Miniſters had ſome private Aſſurances of the Court of Spain's being inclined to do us Juſtice, in a ſhort Time, by a definitive Treaty, and that they accepted of theſe Preliminaries, with a View of ſaving ſomething to the Nation, by a Reduction of our Land Forces for this enſuing Year.

'Now, Sir, as I always judge charitably, I ſuppoſed that this laſt was the Caſe; and therefore when the honourable Gentleman, who made this Motion, ſtood up, I expected an elegant Panegyrick upon the Wiſdom of our late Meaſures,

nes, and the great Care that was taken to embrace every Opportunity of ſaving Expence to the Nation; for no Man more capable than he; and I expected that he would have concluded with a Motion for no more than 12,000 Men for the enſuing Year, as an Earneſt of the Benefits we are to reap by this new Convention, and as a Proof of the Aſſurances the honourable Gentleman's Friends have of the juſt and good Inclinations his Catholick Majeſty has towards this Nation. This, I ſay, was what I expected; but how much was I ſurprized, when I heard him begin to argue for the ſame Number of Land Forces that were voted laſt Year, at a Time when every Man, at leaſt every Man that was not in the Secret, imagined we were upon the Brink of a furious War!

'If we have no Dependence upon this Treaty, Sir, why was it made? For 'tis impoſſible, ſince the Time it was ratified, we could have had Cauſe to alter our Sentiments. If we have a Dependance upon it, why not make the proper Advantage of it, by leſſening the publick Expence? Every one knows that our Land Forces have no Influence upon the Counſels of Spain: It is our Naval Force they are afraid of: That we have already reduced; and therefore if it be ſaid that Spain muſt be frightened into a Performance, as well as they were into the Treaty, we have begun at the wrong End. But I cannot have ſuch an Opinion of ſo wiſe an Adminiſtration: From the Reduction of our Naval Force I muſt conclude, that they are aſſured of Spain's being inclined to do us Juſtice by the definitive, tho' they have done us none by the preliminary Treaty; and therefore the Circumſtances of our Affairs abroad, can be no Argument for our keeping up the ſame Number of Land Forces we had laſt Year; nor can it be ſaid, our foreign Affairs are in the ſame Situation they were the Beginning of laſt Seſſion of Parliament. We had then no preliminary Treaty, nor any Aſſurances of a ſatisfactory definitive Treaty: Now we have both, or otherwiſe the honourable Gentleman's Friends have tranſgreſſed the Rule he himſelf has laid down; for they have already begun to diſband their Armies, and thoſe Armies too which are the only effectual Armies againſt Spain, I mean our Squadrons of Men of War. Let us then follow their Example: The honourable Gentleman will, I hope, admit we cannot follow a better: Let us begin to reduce our Land Forces.

'But ſuppoſe, Sir, we were ſtill in a precarious Situation with regard to Affairs abroad, can it be thought, that our Influence at foreign Courts depends upon the Number of Land Forces we keep in continual Pay? No, Sir, our Influence depends upon the Riches and Number of our People, and

Anno 3o Geo. II. cap. 20.

and not upon the Number of our regular Regiments, or the Appearance they make at a Review. We have many thousands that would make as good an Appearance in the Day of Battle, if their Country were in Danger, tho' they are not at present Masters of all the Punctilios proper only for a Review. We have a Navy, which no Nation in the World can equal, far less overcome, by which we may carry the Dread of this Nation into every Country that is visited by the Ocean: And we have Money, notwithstanding the bad use we have made of a long Peace, to hire as many foreign Troops as we can have Occasion for, and to support them as long as we can have any Service for them. Therefore, while we are unanimous amongst ourselves, while our Government possesses the Hearts and Affections of the People in general, which every virtuous and wise Government must necessarily do, this Nation must always have great Influence upon the Councils of every Court in Europe, any of every Court in the World, where it is necessary for us to extend our Influence.

'From hence we may see, Sir, that in this Nation, we can never have Occasion for keeping up a great Number, or any Number, of regular Troops, in order to give Weight to our Negotiations; and, if any Power in Europe should refuse to observe or perform the Treaties they have made with us, we ought not to seek for Redress by Negotiation: We may make a Demand, but it is beneath the Dignity of a powerful People to sue for Justice. Upon the first Refusal or affected Delay, we ought to compel them, not by keeping an Army at home, which would be ridiculous, but by sending an irresistible Fleet, with an Army on board, to ravage their Coasts; or by getting some of their Neighbours, with our Assistance, to attack them; both which will always be in the Power of every Government of this Country, that preserves their Influence abroad, by preserving the Affections of the People at home; and that without keeping any Number of regular Troops always in Pay; for whilst the Spirit of Liberty, which is the nursing Mother of Courage, is preserved among our People, we shall never want a great Number of brave Men of all Degrees amongst us, that will be ready to venture their Lives in the Cause of their Country; and such Men may, in a few Weeks, be sufficiently disciplined for Action, tho' they might not, perhaps, observe all the Punctilios so exactly as a Parcel of idle mercenary Fellows, who have had nothing perhaps to do for seven Years together, but to dance thro' their Exercises.

'The keeping up of a standing Army in this Nation, can never therefore be necessary, either for preserving our Influence amongst our Neighbours, or for punishing such of them as

ſhall offend us; and with reſpect to our own Defence, as we have no Frontier but the Ocean, while we preſerve a Superiority at Sea, a popular Government in this Country can never be under the leaſt Neceſſity of keeping up any Land-Forces, eſpecially if they would take Care to have our Militia but tolerably armed and diſciplined; for no Nation will be mad enough to invade us, while we are united among ourſelves, with a Handful of Troops, who muſt either all die by the Sword, or be made Priſoners of War, becauſe we could, by Means of our Navy, prevent their being able to return. And, if any of our foreign Neighbours ſhould prepare to invade us with a great Fleet and a numerous Army, we would not only have Time to prepare for their Reception, but we might lock them up in their Ports, by Means of our Navy, or we might give them enough to do at home, by ſtirring up ſome of their Neighbours upon the Continent to invade them.

'Thus it appears, Sir, that no Government in this Iſland can ever have Occaſion for keeping up a ſtanding Army in Time of Peace, unleſs it be to ſubdue the Liberties of the People. This, every Man in the Kingdom, whoſe Judgment is not biaſſed by his Hopes or his Fears, muſt be ſenſible of; and therefore every Government that does keep up a ſtanding Army in Time of Peace, whether with or without the Conſent of Parliament, muſt forfeit the Affections of the People. Then, indeed, a ſtanding Army becomes neceſſary for the Support of that Government, not againſt Foreigners, but againſt their native Country; but no Army, even the greateſt they can keep up, will give them an Influence at foreign Courts, or an Authority among their own People. Abroad they will be deſpiſed, at home they may be dreaded, but they will be hated; and, in that Caſe, a ſmall Handful of foreign Troops, thrown into any Corner of the Iſland, might be of the moſt dangerous Conſequence to the Government, becauſe they would be joined by the whole People, and perhaps, by a great Part of the Army.

'To pretend, Sir, that there is ſtill a great diſſaffected Party amongſt us, is, I am ſure, no Compliment to his Majeſty, or to his illuſtrious Family; and therefore I wonder to hear any Gentleman, that has the Honour to ſerve the Crown, inſiſt upon it. There are, 'tis true, many diſcontented, but few or none diſaffected; and the Diſcontents that are ſo general amongſt us, proceed from our having ſo long kept up a numerous ſtanding Army, and from ſome other Meaſures I could mention. Change but your Meaſures, reduce your Army, put a Confidence in the People, and the Diſcontents will ſoon vaniſh, your People will put a Confidence in you, and will be a better Safe-guard for the Government,

Anno 12 Geo. II. 1738-39.

than any Army that can be kept up. Your foreign Enemies will then fear you, and your Friends will reſpect you; becauſe the former will be afraid of that Vengeance, which they know you are able to pour down upon them, and the latter will depend upon that Aſſiſtance, which they know you are capable to give. If any of our Allies ſhould want Land-forces for their Aſſiſtance, we can hire as many foreign Troops for their Service as they may ſtand in Need of: If we could not hire ſuch Troops, we could ſoon raiſe a Body of Troops within our our own Dominions, tho' we had not a regular ſtanding Regiment in the Kingdom; and we could tranſport them by our Fleet, wherever our Allies might ſtand moſt in Need of them. By our Alliances, I know, we ſometimes engage to ſend a Body of Troops to the Aſſiſtance of our Allies; but I do not remember, we ever engaged, that thoſe Troops ſhould be all Subjects of Great-Britain, or that they ſhould be ſuch as we had kept in Pay for ſeveral Years preceding. Therefore we may perform our Engagements to our Allies, and may afford them a proper Support and Aſſiſtance, without keeping a ſtanding Army always in Pay.

'I ſhall grant, Sir, that the keeping up of a numerous ſtanding Army in Time of Peace, by Authority of Parliament, is not contrary to Law; but I will aver, that it is contrary to, and inconſiſtent with our Conſtitution. If ſome future venal Parliament ſhould paſs a Law for enabling the King to impoſe Taxes, and raiſe Money by Proclamation, the Money ſo raiſed would not be contray to Law, but ſurely it would be contrary to our Conſtitution. To tell us that the Parliament will never conſent to the keeping up of a greater Number of Land-forces, than is ſufficient for preſerving the Conſtitution, or that they will never conſent to keep up any Number, longer than it appears neceſſary for defending us againſt foreign or domeſtick Enemies, is to tell us what no Man can anſwer for. Suppoſe there ſhould be a Majority in each Houſe of Parliament, conſiſting of Officers of the Army, and other Inſtruments of an Adminiſtration; can we ſuppoſe that ſuch a Parliament would have any Regard to the Preſervation of the Conſtitution, if it ſhould appear to be inconſiſtent with the Preſervation of the Miniſter upon whom they depended? And ſuppoſe we had the Misfortune to have, at that Time, a Prime Miniſter, contemned abroad, and hated by every Man at home, except thoſe who were his immediate Tools; can we ſuppoſe that ſuch a Parliament would not give their Conſent to keep up a ſtanding Army, not for preſerving the Conſtitution, but for preſerving the Miniſter, by deſtroying the Conſtitution?

'Sir, a numerous ſtanding Army, kept up by Authority of Parliament, is more dangerous to our Liberties, than ſuch

an Army kept up without any ſuch Authority; becauſe in the latter Caſe, the People would immediately ſee their Liberties were ſtruck at, and would therefore take the Alarm; but in the former, they would probably, by the Interpoſition of Parliament, be lulled aſleep, till their Fetters were rivetted. This I have long endeavoured to prevent: This while I live, I ſhall always endeavour to prevent; and therefore I am now for reducing the Army to 12000 Men; for even that Number I think greater than is altogether conſiſtent with the Safety of our Conſtitution. The very Reſolution this Houſe comes to yearly, with reſpect to the Number of our Land-forces, ſhews that it is. By the Words of that Reſolution, we ought to have no marching Regiments quarter'd up and down the Country, to the Oppreſſion of our Innholders, Victuallers, and other publick Houſes, and to the debauching of the Morals of all Ranks of People. We ought to have none but Guards and Garriſons. Our Guards ought never to conſiſt of above 4000 Men; and I ſhould be glad to know where the Garriſons are in Great-Britain, or in Guernſey or Jerſey, that require no leſs a Number than 8000. Therefore we ought to alter the Words of our Reſolution, or we ought to reduce our Army even below 12000. However, as other Gentlemen ſeem willing to allow 12000 for the Service of this enſuing Year, I ſhall not be againſt that Number.'

Anno 12 Geo. II. 1738-39.

Mr. Littleton.

Sir,

'I am really ſurprized at the Silence on one Side of the Houſe. —— Sure this Queſtion is of Importance enough to deſerve a Debate. —— How great an evil ſoever a ſtanding Army may be, this Way of treating ſuch a Queſtion is worſe; it is the higheſt Contempt of the Conſtitution imaginable. —— Sir, if we go on thus, will People be ſilent out of Doors too? I wiſh they may; for if they talk of our Proceedings, they will talk in a Language that won't be much for the Honour of the Houſe.

Mr. Littleton.

'Sir, as a good deal has been ſaid about the Abuſe of the Preſs, by one of the very few Gentlemen who have deigned to ſpeak in this Debate, I beg to be indulged in a few Words upon that Article. —— A free Examination of all Meaſures of Government, and of the Characters of Miniſters, ſo far as their Characters are inſeparable from their Meaſures, is the Life of a free State. It is what no good Miniſter will ever call an Abuſe of the Preſs: It is what no good Miniſter would deſire to reſtrain. But attacking the private Character of a Miniſter, his private Defects or Frailties, in which the Publick is not concerned, this indeed is libellous, and this cannot be juſtified: Nor can

ſhould throw out upon private Perſons, be executed in thoſe who are the dirty Tools of Calumny, or in the more dirty Patron who employs and pay ſuch Tools: This, Sir, is infamous, and this ſhould be refrained. But how refrained? By Contempt, by Diſregard of it, by a fair and ſafe Appeal to the candid Senſe of Mankind; or in very flagrant Caſes, by the due Courſe of Juſtice and Law: Not by Strains of Authority, not by Star-Chamber Work, not by the extraordinary Exercile of diſcretionary Powers, from which the Guilty and the Innocent may ſuffer alike: This ſhould be carefully avoided in a Country of Freedom, not for the ſake of theſe Writers, but for the ſake of the Conſtitution, for the ſake of Liberty, and that the Law of the Land may be the Rule and Meaſure of all Men's Security. But for God's ſake, Sir, how comes the Abuſe of the Preſs to be a Point inſiſted on in the Debate of To-day? What has that to do with eighteen thouſand Men? Are our Dragoons to be Licenſers of the Preſs? I hope they are not.

'As to the uncertain Situation of Affairs abroad, (that I think, was the Term uſed by the honourable Gentleman over the Way) I will ſay but one Word. — Why have we called home our Fleets? To deprive ourſelves of the only Means we have of hurting our Enemies, by recalling our Fleets upon the Preſumption of a Peace and then to deprive ourſelves of the Fruits of a Peace, by keeping up our Army to the Number of laſt Year, is, I confeſs, a Policy which I don't comprehend. Is this Convention, which we have concluded, ſomething or nothing? Sir, I think it worſe than nothing; but as there are ſome Gentlemen who ſpeak very highly of it, if it deſerves the Encomiums, I ſhould be glad to know, for what this Number is aſk'd? Why, to ſupport the Peace, it ſeems. — To ſupport it, Sir, againſt whom? Not againſt ourſelves I hope, not againſt the Nation. If the Peace be what it ought to be, we ſhall have no Enemies, and it will ſupport itſelf; if it be bad and diſhonourable, to have it ſupported by an Army, is a ſad Reſource indeed: It is ſuch a Support as Deſpair only could want: It is ſuch a Support as I won't imagine poſſible.

'But Gentlemen ſay, it will give Weight to our Meaſures abroad. — What Weight has it given? I appeal to Experience. Is not the Period of our keeping up this Number of Men, the moſt inglorious Period of the Engliſh Hiſtory? Has not every Year been mark'd out by ſome new Indignity, ſome new Diſhonour, ſome new Proof of Contempt? Have we been arm'd of late to any other Purpoſe, than to make our Tameneſs appear more ridiculous? For my own Part, Sir, I muſt ſay, that were I determined to ſuffer myſelf to

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be robb'd without any Reſiſtance, I ſhould think it was judging very ill, to travel with Arms. Anno 12 Geo. II. 1738-39.

'Sir, with regard to Diſorders at home, neither what has been ſaid by the honourable Gentleman who ſpoke juſt now, nor by another Gentleman in my Eye, who enlarged much upon them, has any Weight in a Queſtion, whether 18,000 Men or 12, ſhould be the Number kept up. For, ſurely, 12 thouſand Men are Force enough to quell theſe Rioters. But from what all thoſe Gentlemen have ſaid, I draw a further Concluſion, that for Diſorders of this Kind, an Army is not, cannot be the proper Remedy, ſince the Evil encreaſes under it, as Experience proves. — The proper Remedy is giving Authority to the Law; and this can only be done by right Meaſures of Government. An Army may give Strength to a bad Adminiſtration, but a good Adminiſtration only can give Strength to Laws, and to that we muſt have Recourſe, or theſe Diſorders will continue, tho' we ſhould augment our Troops to 50,000 Men. Confirm his Majeſty in the Affections of his Subjects, and he will want no Security in his own Dominions.—Sir, I have ſeen a Proof of this. I have lately had the Satisfaction to ſee all Sort of Reſpect from all Sorts of People, paid to two of the royal Family, when they had no Guards. They could not have been ſafer, they could not have been reſpected ſo much, if they had been attended, in the Journey they made, with all the houſhold Troops of the King of France. Sir, I ſaw the People clinging to the Wheels of their Coach, out of Affection to them, to the King, and to his Family. I ſay, I ſaw them clinging to the Wheels of their Coach. ——— Had there been Guards about it, they muſt have kept further off.

'As I can ſee no good Uſe that can be made of theſe Troops, and as I won't ſuppoſe that any bad one is intended, I muſt conclude they are kept up for Oſtentation alone. But is it for his Majeſty's Honour to put the Luſtre of his Crown, to put his Dignity upon that, in which he may be rivall'd by every petty Prince of any little State in Germany? For, I believe, there are few of them now, that can't produce at a Review, an Army equal to ours both in Number and Show. If the Greatneſs of a State is to be meaſured by the Number of its Troops, the Elector of Hanover is as great as the King of England. ——— But a very different Eſtimation ought to be made of our Greatneſs: The Strength of England is its Wealth and its Trade: Take Care of them, you will be always formidable: Loſe them, you are nothing, you are the laſt of Mankind. Were there no other Reaſons for reducing the Army, it ſhould be done upon the Principle of OEconomy alone. It is a melancholy Thought to reflect

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Anno 13 Geo. II. 1738-39.

how much we have ſpent and to how little Purpoſe, for theſe 16 Years paſt.

'Sir, could it be ſaid, We are indeed, loaded with Debt, but for that Charge we have encreaſed our Reputation, our Commerce flouriſhes, our Navigation is ſafe, our Flag is reſpected, our Name honoured abroad; could this be ſaid, there is a Spirit in the People of England, would make them chearfully bear the heavieſt Burdens. ——— On the other Side, could an oppoſite Language be held, could it be ſaid, We have indeed, no Victories, no Glory to boaſt of, no Eclat, no Dignity; we have ſubmitted to Injuries, we have borne Affronts, we have been forced to curb the Spirit of the Nation, but by acting thus, we have reſtored our Affairs, we have paid our Debts, we have taken off our Taxes, we have put into the Power of the King and Parliament, to act hereafter with more Vigour and Weight; could this be ſaid, this alſo might be ſatisfactory. ——— But to have failed in both theſe Points at the ſame Time, by a Conduct equally inglorious and expenſive, to have loſt the Advantages both of War and Peace; to have brought Diſgrace and Shame upon the preſent Times, and national Beggary upon Ages to come, the Conſequence of which may be national Slavery; ſuch a Management, if ſuch a Management can be ſuppoſed, muſt call down national Vengeance upon the guilty Authors of it, whoſoever they be, and the longer it has been ſuſpended, the more heavy it will fall.'

The Queſtion being put the Reſolution was agreed to. On a Diviſion, Ayes 253. Noes 183.

Diviſion, Ayes 253, Noes 183.

After the Diviſion, the Committee came to the following Reſolutions beſides: Reſolved, That ſix hundred and forty-ſeven thouſand five hundred and forty-nine Pounds eleven Shillings and Three-pence Half-penny be granted for maintaining the above Number of Men: That two hundred twenty-eight thouſand and ſixty-two Pounds be granted for the Garriſons of Minorca, Gibraltar, Georgia, &c. That twenty-ſeven thouſand one hundred and ſeventy-two thouſand Pounds be granted for Out-Penſioners of Chelſea Hoſpital: That five thouſand and forty-one Pounds be granted for defraying ſeveral extraordinary Expences not provided for by Parliament.

Reſolutions of the Committee of Supply agreed to.

Feb. 15. The Report of Yeſterday's Reſolutions was received and agreed to. On a Diviſion, Ayes 129, Noes 73.

Diviſion on the Report, Ayes 129, Noes 73.

Received divers Letters relating to the Spaniſh Depredations.

Feb. 20. Received the Report of Yeſterday's Reſolution in a Committee of Ways and Means, and agreed to it, viz.

Reſolutions of the Committee of Ways and Means agreed to.

Reſolved, That eleven thouſand nine hundred and forty-five Pounds ſeventeen Shillings and nine Pence, remaining in the Exchequer, being the Over-plus of the Grant for 1738, be

be applied towards making good the Supplies granted in this Seſſion of Parliament.

The Houſe was then called over:

Call of the Houſe.

Feb. 21. Received Copies of ſeveral Memorials, Letters, &c. on the Affairs of Spain.

Feb. 22, Received the Reports of Yeſterday's Reſolutions in a Committee on the Supply, and agreed to them, viz.

Reſolutions of the Committee of Supply agreed to.

Reſolved That 222,689 Pounds, two Shillings and ſix Pence, be granted for the Ordinary of the Navy, including Half-Pay to Sea-Officers for 1739. That 80,088 Pounds ſix Shillings and three Pence be granted for the Charge of the Office of Ordnance for Land Service for 1739. That thirty thouſand five hundred and three Pounds eleven Shilings and ſix Pence be granted for defraying the extraordinary Expences of the Office of Ordnance for Land Service not provided for by Parliament.

Petition of the Weſt-India Merchants.

Feb. 23. There was preſented to the Houſe a Petition of divers Merchants, Planters, and others trading to and intereſted in the Britiſh Plantations in America, in behalf of themſelves and many others, and read; ſhewing that the Petitioners made their moſt humble Application to this Houſe the laſt Seſſion of Parliament, ſetting forth the continued Depredations committed by the Spaniards on the high Seas of America upon the Britiſh Shipping and Property, their barbarous and inhuman Treatment of the Britiſh Sailors on the taking of their Ships, and their carrying them afterwards into Slavery in Old Spain, (the Spaniards making it their conſtant Practice to attack and board all Britiſh Merchant Ships they met with in the American Seas, under Pretence of ſearching for Goods, which they deemed contraband, according to their arbitrary Will and Pleaſure contrary to the Law of Nations, and in manifeſt Violation of the Treaties ſubſiſting between the two Crowns,) and that by theſe unjuſt and violent Proceedings of the Spaniards, the Trade and Navigation to and from America was rendered very unſafe and precarious, inſomuch that the Inſurances had greatly riſen on theſe Accounts only; and that the Petitioners having been heard by their Counſel before a Committee of the whole Houſe, did, as they apprehend, fully make out in Proofs every one of the Allegations of their ſaid Petition, to the intire and unanimous Satisfaction of the Houſe, upon which Application this Houſe came to the following Reſolutions:

'That it is the natural and undoubted Right of the Britiſh 'Subjects to ſail with their Ships on any Part of the Seas of 'America to and from any Part of his Majeſty's Dominions, 'and that the Freedom of Navigation and Commerce which 'the Subjects of Great Britain have an undoubted Right to by

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That a Convention hath ſince been entered into between this Crown and that of Spain, which his Majeſty has been moſt graciouſly pleaſed to order to be laid before this Houſe; and the ſame being publiſhed by Authority, the Petitioners obſerve with the utmoſt Concern, that the Spaniards are ſo far from giving up their groundleſs and unjuſtifiable Practice of viſiting and ſearching Britiſh Ships ſailing to and from the Britiſh Plantations, that they appear to have claimed the Power of doing it as a Right, by having inſiſted that the Differences which have ariſen concerning it ſhould be referred to Plenipotentiaries, to be diſcuſſed by them, without even agreeing to abſtain from ſuch Viſitation and Search during the Time that the Diſcuſſion of this Affair may laſt; that the Petitioners are under the greateſt Apprehenſions, ſince Spain has contended, that a Point ſo inconteſtably clear both by the Law of Nations and all the Treaties ſubſiſting between the two Crowns, ſhould come under Debate, that the Spaniſh Plenipotentiaries will be inſtructed not to give it up; and if the Freedom of our Navigation to and from our own Colonies ſhould be left in Suſpence, and precarious, it muſt be attended with the moſt fatal and pernicious Conſequences to the Petitioners, whoſe Perſons and Fortunes will thereby be in the Power of the Spaniſh Guarda Coſtas, without any Proſpect of Relief, the Petitioners having already too ſeverely experienced the Juſtice of the Spaniſh Courts and Governors, to conſider them as any Security; and therefore praying, that the Petitioners may have an Opportunity of being heard, and that they may be allowed to repreſent to this Houſe the great Importance of our Trade to and from our own Plantations in America, the clear and indiſputable Right which we have to enjoy it, without being ſtopped, viſited, or ſearched by the Spaniards on any Pretence whatſoever, and the certain and inevitable Deſtruction of all the Riches and Strength derived to this Kingdom from that Trade, if a Search of Britiſh Ships ſailing to and from the Britiſh Plantations be tolerated upon any Pretext, or under any Reſtrictions, or even if the Freedom of this Navigation ſhould continue much longer in this State of Incertainty.

Referr'd to a Committee.

This Petition was ordered to be referred to the Conſideration of the Committee, who were to conſider of the Convention; and that the Petitioners, if they thought fit, might be heard upon their Petition, by themſelves, before the ſaid Committee.

Petition from the City of London.

At the ſame Time the Sheriffs of the City of London preſented to the Houſe a Petition of the Lord-Mayor, Aldermen, and Commons of the City of London, in Common-Council aſſembled; which Petition being brought up and read, ſet forth, That the Citizens of London are too deeply inte-

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reſted in whatever affects the Trade of this Nation, not to expreſs the utmoſt Anxiety for the Welfare of that only Source of our Riches; and it is with a Concern the Petitioners are unable to expreſs, that they perceive the Trade to his Majeſty's American Colonies ſtill continues expoſed to the Inſults of the Spaniards, who under unwarrantable and injurious Pretences continue to ſtop, ſearch, and make Prizes of Britiſh Veſſels navigating the American Seas, in manifeſt Violation of the Treaties ſubſiſting between the two Crowns; and that the Petitioners apprehend that the Trade from theſe his Majeſty's Kingdoms to his American Colonies is of the utmoſt Importance, and almoſt the only profitable Trade this Nation now enjoys unrivall'd by others; and that the Petitioners were induced to hope, from his Majeſty's known Goodneſs and paternal Care of his Subjects, ſupported by the vigorous Reſolutions of both Houſes of Parliament, and the Equipment of a very powerful Fleet, that his Majeſty's trading Subjects in the Seas of America, as well as in all other Parts of the Ocean, would not only have received a full Satisfaction for their Loſſes occaſioned by the Depredations of Spain, but alſo an undoubted Security for their Commerce for the Time to come; and that a reaſonable and adequate Reparation would likewiſe have been obtained for the Barbarities and inhuman Cruelties exerciſed by that Nation on the Engliſh Seamen who have had the Unhappineſs of falling into their mercileſs Hands; and expreſſing their great Concern and Surprize to find by the Convention lately concluded between his Majeſty and the King of Spain, that the Spaniards are ſo far from giving up their, as the Petitioners apprehend, unjuſt Pretenſions of a Right to viſit and ſearch our Ships in the Seas of America, that this Pretenſion of theirs is among others referred to the future Regulation and Deciſion of Plenipotentiaries appointed on each Side, whereby the Petitioners apprehend it is in ſome Degree admitted; and that the Petitioners conceive they have too much Cauſe to fear, if the Right pretended to by Spain of ſearching Britiſh Ships at Sea be admitted in any Degree whatſoever, that the Trade of his Majeſty's Subjects to America will become ſo precarious, as to depend in a great Meaſure upon the Indulgence and Juſtice of the Spaniards, of both which they have given, for ſome Years paſt, ſuch Specimens, as the Petitioners think this Nation can have no Cauſe to be ſatisfied with; and expreſſing the Apprehenſions of the Petitioners, that ſuch a precarious Situation as this is, muſt inevitably expoſe the Trade to the American Seas, to continual Interruptions and Alarms, as well as ſeveral Loſſes; and that to theſe unhappy Cauſes, the Petitoners apprehend the preſent low State of the Britiſh Colonies in America may in

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ing forth, That a certain Deed of Feoffment, bearing Date the [illegible] Day of [illegible] in the [illegible] Year of the Reign of his Majesty King George the Second, and made between the Right Honourable John Lord Carteret, Baron of Hawnes, one of his Majesty's Principal Secretaries of State, and Lord Lieutenant of Ireland, of the First Part, the Right Honourable Thomas Pelham Holles, Duke of Newcastle, one of his Majesty's Principal Secretaries of State, of the Second Part, and the Trustees for establishing the Colony of Georgia in America, of the Third Part, was duly executed by the said John Lord Carteret, and by the said Thomas Duke of Newcastle, and by the Trustees for establishing the Colony of Georgia in America, or the major Part of them, whereby the said John Lord Carteret, for the Consideration therein mentioned, did grant, release, and confirm unto the said Trustees for establishing the Colony of Georgia in America, and their Successors, All that the Province of Georgia in America, bounded to the Northward by a Line drawn from the Head of the Stream of the Savannah River, which is the most Northern Stream thereof, to the Head of the most Southern Stream of the Altamaha River, and from thence Westward in a Direct Line to the South Seas; and bounded to the Southward by the Southernmost Stream of the Altamaha River, from the Mouth thereof in the Sea, to the Head thereof, and from thence Westward in a Direct Line to the South Seas; and bounded Eastward by the Sea, or Ocean, from the Mouth of the Southernmost Stream of the Altamaha River, to the Mouth of the Northernmost Stream of the Savannah River, and Westward from the Heads of the said Rivers in Direct Lines to the South Seas, with the Islands in the Sea, lying opposite to the Eastern Coast of the said Lands, within twenty Leagues of the same; all which his Majesty thereby made, erected, and created one independent and separate Province, by the Name of Georgia; that John Lord Carteret (the Proprietor of the other undivided eighth Part of the said Lands, Countries, and Territories, which his Majesty granted to the Petitioners) by Indenture bearing Date the 26th Day of February 1732, granted and released all his Right and Property in the undivided eighth Part of Georgia, in the same Manner, to the Petitioners and their Successors for ever; and that the Province of Georgia was granted to the Petitioners in Trust for settling and establishing a regular Colony in the Southern Frontiers of Carolina, and not for any Benefit or Profit what-

ſetting forth, That on the firſt Day of June, in the Year 1738, the ſaid Ship ſailed fully laden from the Iſland of Jamaica, directly for the Port of Briſtol, but, after attempting the Windward Paſſage for about ſeventeen Days without Succeſs, was obliged to return and make her Voyage through the Gulf of Florida; and on the 29th Day of the ſame Month, in the Latitude of twenty-four Degrees and twenty-eight Minutes, as the ſaid Ship was proceeding on ſuch her Voyage, and being then about fifty-five Leagues diſtant from the Weſt End of the Iſle of Cuba, ſhe was with her whole Cargo ſeized by a Spaniſh Man of War, and carried into the Havanna, there condemned as a Prize, contrary, as the Petitioners preſume, to the Law of Nations and the ſubſiſting Treaties; the Value of which ſaid Ship and Cargo, at the Time of ſuch Seizure, as the Petitioners are adviſed, was nine thouſand Pounds Sterling and upwards; and that the Maſter and Mariners of the ſame Ship were impriſoned, and otherwiſe moſt inhumanly treated by the Captors, and carried by them into Old Spain, where the ſaid Maſter yet continues a Priſoner; and therefore praying the Houſe to take the Premiſſes into Conſideration, hear the Petitioners by themſelves or Counſel, and grant ſuch Relief thereupon, as to the Houſe ſhall ſeem meet.

Petition of the Truſtees for Georgia.

And alſo a Petition of the Truſtees for eſtabliſhing the Colony of Georgia in America, was preſented to the Houſe and read; ſetting forth, that his Majeſty, by his Royal Charter bearing Date the 9th of June 1732, granted to the Petitioners and their Succeſſors for-ever, ſeven undivided Parts of all thoſe Lands, Countries, and Territories in that Part of South-Carolina in America, which lies from the moſt Northern Stream of the Savannah River, all along the Sea-Coaſt to the Southward, unto the moſt Southern Stream of the Alatamaha River, and Weſtward from the Heads of the ſaid Rivers in direct Lines to the South-Seas, with the Iſlands in the Sea lying oppoſite to the Eaſtern Coaſt of the ſaid Lands, within twenty Leagues of the ſame; all which his Majeſty thereby made, erected, and created one independant and ſeparate Province, by the Name of Georgia; that John Lord Carteret (the Proprietor of the other undivided eighth Part of the ſaid Lands, Countries, and Territories, which his Majeſty granted to the Petitioners) by Indenture bearing Date the 28th Day of February 1732, granted and releaſed all his Right and Property in the undivided eighth Part of Georgia, in the ſame Manner, to the Petitioners and their Succeſſors for-ever; and that the Province of Georgia was granted to the Petitioners in Truſt for ſettling and eſtabliſhing a regular Colony in the Southern Frontiers of Carolina, and not for any Benefit or Profit what-



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their Petition, either by themſelves or Counſel, before the ſaid Committee.

'This, Sir, I take to be ſo reaſonable a Propoſition, that I hope no Gentleman will oppoſe it. However, before I make my Motion, I ſhall beg leave to obſerve, that in all Trials at Law, even in criminal Trials, where by the common Method of Proceeding Counſel are not admitted to be heard, wherever a Point of Law comes to be diſputed, Counſel are always admitted to ſpeak to ſuch Points for the better Information of the Judges; and yet, I hope, I may be allowed to preſume, that our Judges, eſpecially of late Years, are as much Maſters of the Laws of their Country, as the ſeveral Members of this Houſe can be ſuppoſed to be of the Law of Nations, and of the ſeveral Rights and Privileges which are founded upon that Law, or upon the particular Treaties now ſubſiſting between us and Spain. Therefore, when any ſuch Right or Privilege comes to be diſputed before us, there is at leaſt as great a Neceſſity for admitting Counſel to be heard upon ſuch Points for our Information, as there can be for admitting Counſel to be heard upon any Point of Law for the Information of our Judges.

'If we attend, Sir, to the Petition now upon our Table, we ſhall from thence ſee, that when the Convention comes to be taken into Conſideration, there are ſeveral Matters of Right that muſt be enquired into, and ſome of them may, perhaps, be diſputed even by ſome Gentlemen in this Houſe. We know that the Spaniards have lately pretended to a Right to viſit and ſearch Britiſh Ships, ſailing to and from the Britiſh Plantations: This is a Right which I believe no Gentleman in this Houſe will pretend to juſtify; however, as the Spaniards do pretend to juſtify it, or at leaſt have exerciſed it, it is a Point of Right which ought to be fully enquired into, before we can judge of the Convention. But there is another Point of Right or Law that will, I believe, be diſputed even in this Houſe, and that is, Whether this Right of Viſiting and Searching our Ships in the open Seas, which the Spaniards lay Claim to, is not in ſome Degree admitted by us, by our agreeing to refer this Pretenſion of theirs to the future Regulation of Plenipotentiaries? For if there is the leaſt Ground even for the Spaniards to alledge, that we have by ſuch Reference in any Degree admitted of this Pretenſion, ſurely every Gentleman who has a Regard for the Honour and Happineſs of his Country, will condemn a Treaty which gives the Spaniards any Ground to ſay ſo. And whether they may not from this Treaty have, or pretend to have ſome Ground for ſaying ſo, is a Point of Right which the Petitioners ſeem to apprehend, and which ſeveral Gentlemen in this Houſe, as well as I, think we have Reaſon

ſon to apprehend, though our Apprehenſions will certainly be ſaid to be groundleſs, by all thoſe who are Favourers of the Convention. But as this is a Point which will, and muſt be judged of by Foreigners as well as by us, we ought to have it fully argued, before we paſs any Judgment upon it.

'As this Point in particular, Sir, depends upon the Law of Nations, and upon the Conſtruction that is uſually put upon preliminary Articles or Conventions, we cannot ſuppoſe that the Petitioners are capable of giving us any Light into this Affair; and therefore, if it were but for the Sake of this Point only, we ought to allow them to be heard by their Counſel upon this Occaſion. There may be other Points of Right, which ought to be enquired into: I believe there are ſeveral others which we ought to inſiſt on, as the undoubted Rights and Privileges of this Nation; and yet the general Reference contained in this Convention, may hereafter give Spain a Pretence to ſay, that even we ourſelves admitted them to be ſuch as were diſputable. For this Reaſon, Sir, before we paſs any Judgment in an Affair of ſo great Conſequence to the Honour, Trade, and Navigation of this Kingdom, we ought ſtrictly to examine into the Import and Meaning of thoſe Words in the firſt Article, by which it is agreed, 'That the Plenipotentiaries reſpectively named by 'their Britannick and Catholick Majeſties ſhall confer, and 'finally regulate the reſpective Pretenſions of the two 'Crowns, as well with relation to the Trade and Navigation 'in America and Europe, and to the Limits of Florida and 'of Carolina, as concerning other Points which remain 'likewiſe to be adjuſted.' I ſay, Sir, we ought ſtrictly to examine into the Import and Meaning of this unlimited Reference, before we paſs any Judgment; and as the Import and Meaning of theſe Words muſt intirely depend upon the Law of Nations, and the Nature of preliminary Conventions, we cannot expect full Satisfaction as to this Point from the Petitioners; we can no way expect full Satisfaction, but by hearing learned Gentlemen argue upon it, who have made ſuch Points their particular Study.

'I believe, Sir, it will be admitted by every Gentleman, both within Doors and without, that a definitive Treaty, containing a full and expreſs Acknowledgment of all our Rights and Privileges, would have been much better than this preliminary Convention: Conſidering the vigorous Reſolutions of both Houſes of Parliament laſt Seſſion, conſidering the Spirit which at preſent prevails among all Ranks and Degrees of Men in this Kingdom, and conſidering the great Expence the Nation was put to laſt Summer, I believe it was what moſt Men expected: Yet notwithſtanding, if none of our undoubted Rights or Privileges are rendered doubtful, or

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any way invalidated by this preparatory Way of Treating we may excuſe our Negociators for agreeing to ſuch Preliminaries for the Sake of Peace, provided it appears they had good Reaſon to hope that thoſe Preliminaries would be ſoon followed by a ſincere and ſatisfactory Treaty; but, I hope, Sir, this Nation is not yet brought ſo low, nor are we ſo fond of Peace, as to give up any of our Rights, or agree to any thing for preſent Eaſe, that may lay a Foundation for conteſting ſome of our moſt valuable Rights in Time to come. Such an unlucky Situation, I hope, I am convinced, the Nation is not yet reduced to, whatever ſome Gentlemen may be, who perhaps conſider their own immediate Eaſe, more than they conſider either the Honour or the Intereſt of their Country.

'But ſuppoſe, Sir, there were no Matters of Law or Right to be explained to us, ſuppoſe it were no Way neceſſary to have the Law of Nations, or the Nature of preliminary Conventions explained to us, yet the Facts that are to be laid before us upon the preſent Occaſion, are ſo numerous, and of ſuch various Kinds, that it is not poſſible to have them methodically and regularly ſummed up without the Aſſiſtance of Counſel. We muſt ſee that it will be neceſſary for us to examine a great many Witneſſes with regard to thoſe Depredations that have been committed by the Spaniards both before and ſince the Treaty of Seville; with regard to the Importance of our Trade to and from our Plantations in America; with regard to the Dangers that Trade may be expoſed to, if a Search of Britiſh Ships ſailing to and from the Britiſh Plantations ſhould be tolerated upon any Pretext, or under any Reſtrictions; and with regard to ſeveral other Points I could mention: Every one of theſe Witneſſes may be able to give us an Account of ſome of the Facts he knows; but from daily Experience we may ſuppoſe, that even thoſe Accounts will be but lamely and indiſtinctly given, unleſs we have Counſel at our Bar, who know how to put the proper Queſtions to them; and when all the Witneſſes have been examined, we cannot ſuppoſe that any of the Petitioners will be able to ſum up the Evidence, to digeſt all their Teſtimonies under their proper Heads, and to make ſuch Remarks upon each Point of Evidence, as may be neceſſary for putting it in the cleareſt and ſtrongeſt Light; for when a Subject is very copious, and a great many Facts of divers Kinds to be related, it is not poſſible for any Gentleman not exerciſed in the Art of Speaking, or not accuſtomed to ſpeak before a numerous Aſſembly, let his Qualifications otherwiſe be never ſo great, to give a regular, diſtinct, and full Account of the Whole.

'From what I have ſaid, Sir, I think it muſt appear, that it will be extremely proper for us to have the Aſſiſtance

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of Counſel upon this important Occaſion. Nay, it is what I think thoſe Gentlemen muſt be fond of, who are the greateſt Friends to the Convention; for if it any way deſerves thoſe high Encomiums that have been made upon it, by ſome Gentlemen without Doors, the more clearly, the more diſtinctly, and the more fully this whole Affair is laid before the Houſe, the more we ſhall be ſenſible of the great Honour and Advantage the Nation may reap by this preliminary Treaty; the more eaſy will it be for them to anſwer any Objection that may be made againſt it. For this Reaſon I cannot ſuppoſe, that the Motion I am to make will meet with any Oppoſition; and therefore I ſhall add no more, but conclude with moving, That the Petitioners may be heard by themſelves or Counſel, as I have before mentioned.

Mr. Pelham.

Mr. Pelham.

'Though I am as fond as any Gentlemen in this Houſe can be, of receiving all poſſible Information relating to the Convention we have lately concluded with Spain; tho' I ſhall be glad to have that Information laid before us in the moſt full and methodical Manner, yet I cannot altogether approve of what the honourable Gentleman has been pleaſed to propoſe. And indeed it is becauſe I am for having all proper Information relating to that Affair, and for having that Information laid before us in the moſt natural, clear, and ſuccinct Manner, that I ſhall be againſt agreeing to ſome Part of his Propoſition. I ſhall willingly concur with him in ordering the Petition now preſented to us, to be referred to the Committee who are to conſider of the Convention: I ſhall likewiſe concur with him in allowing the Petitioners to be heard by themſelves before that Committee; but I cannot concur with him in giving them leave to be heard by themſelves or Counſel; becauſe in the Caſe now before us I do not think it proper to admit either thoſe who have already petitioned, or any of thoſe who may hereafter petition, to be heard by Counſel; and, my Reaſons for being of this Opinion, I muſt beg leave to lay before you.

'I have a great Reſpect Sir for the learned Gentlemen of the Law, and ſhall always be glad to hear them hold forth at our Bar upon every proper Occaſion; but I hope they will excuſe me if I ſay, that I do not think their Manner of ſtating the Caſe, or relating Facts, the moſt natural: I hope they will pardon me, even if I ſhould ſay, that it may ſometimes ſerve to confound, inſtead of inſtructing their Hearers. Nay, as it is the Cuſtom among them to be ready to take a Fee upon either Side of any Queſtion, that may occur ether in this Houſe or any other Court of Judicature, they muſt make it their Buſineſs to learn how to

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dreſs up a bad Cauſe in ſuch fine Trappings, as to make it paſs for a good one. Therefore, in Caſes where no Matter of private Right or Property is to be diſputed, I ſhall always be againſt expoſing myſelf, or any other Gentleman in the Houſe, to the Danger of being confounded or impoſed on by Flowers of Oratory, or by an artful Manner of ſtating the Caſe, either on the one Side or the other; becauſe, I can ſay, for my own Part at leaſt, that I am afraid, leſt I ſhould by ſuch Means be perſuaded to think that a good Cauſe which is really a bad one, or that a bad Cauſe which is really a good one! and my Fears in this Reſpect always encreaſe in Proportion to the Importance of the Caſe, in which I am to give my Judgment.

'After having thus ſhewn, Sir, the Danger of admitting Counſel to be heard before us, in any Caſe where it is not abſolutely neceſſary, I muſt obſerve, that with regard to Facts, we can, in no Caſe ſuppoſe that Counſel can give us any Information, but ſuch as they are inſtructed to give by thoſe that employ them. In the preſent Caſe it is the Petitioners that muſt inſtruct them what Facts they are to inſiſt on, what Witneſſes they are to call for proving thoſe Facts, and what may be the proper Queſtions to be put to each Witneſs; and, if we ſuppoſe the Petitioners capable of inſtructing their Counſel in all theſe Particulars, we muſt ſuppoſe them capable, by themſelves of inſtructing this Houſe, without giving us all the Information as to Facts, that we can expect from their Counſel. I ſay, we muſt not only think them capable of doing it, but I am convinced they could explain in a more natural and ſuccinct Manner, than the Counſel or Barriſters equally do. Facts, Sir, are plain Things, and can may be diſguiſed, but they cannot be cleared up by Eloquence; therefore, in all Caſes where nothing but Facts are to be enquired into, the more numerous the Aſſembly that is to judge them, the more Danger there is in allowing Counſel to be ſtated or ſummed up by thoſe whoſe Profeſſion it is to be eloquent; and for this Reaſon I think we ought, in the preſent Caſe, to have all thoſe Facts that may be neceſſary to be laid before us, ſtated in the moſt plain and natural Manner which we may expect from the Petitioners themſelves, but cannot from their Counſel.

'Then, Sir, as to Points of Right or Law, I do not think it poſſible that any ſuch can ariſe with regard to the Convention. As to thoſe the honourable Gentleman has been pleaſed to mention, I do not think that any one of them will be diſputed in this Houſe. Surely no Gentleman in this Houſe will ſay, that the Spaniards have a Right to ſearch any Britiſh Ship upon the High Seas: Nor do I believe that any Gentleman in this Houſe will deny the Importance of

Plantation Trade, or that it will be expoſed to great ers and Inconveniences, in caſe the Spaniards ſhould be ed to ſearch our Ships ſailing on the High Seas, upon retext, or under any Reſtrictions. And as to the , whether we can be ſuppoſed to have admitted in any ee of ſuch a Search, by referring all Matters in Diſpute een the two Nations to be regulated by Plenipotentiaries? a Point in which I think there can be no Queſtion: I ure no Gentleman in this Houſe will ſay, that from a Reference any ſuch Thing can be ſuppoſed. If a ſhould claim 1000 Pounds of me, may not I ſubmit to his Reaſons, and examine his Vouchers, though I know ve him nothing? Does this Submiſſion ſhew any Acwledgment in me, that that Sum, or any other Sum, is ly due? So far otherwiſe, Sir, that I ſhould think myſelf bound in Charity to confer with him upon the Subject, the End that I might have an Opportunity to convince im of the Unreaſonableneſs of his Demand, or Falſehood his Vouchers, and thereby prevent his being induced to ain himſelf by commencing an unjuſt Law-Suit againſt me. his, I ſay, I ſhould think myſelf bound in Charity to do, ſpecially if that Neighbour and I were in ſuch Circumances as made it our mutual Intereſt to cultivate a mutual riendſhip; and, that this is the Caſe between Spain and us, believe no Gentleman will deny. This, Sir, is all we have done with regard to the preſent Diſputes between Spain and us: We have agreed to hear what they have to ay, for no other End but to convince them that there is not the leaſt Foundation for the Claims they have lately ſet up; and this we have done out of Charity to them, as well as out of Regard to our own Intereſt, in order to prevent an open Rupture between two Nations, whoſe mutual Intereſt it is to live in mutual Friendſhip. By the Reference we have agreed to, we cannot be ſuppoſed to have given up, or in the leaſt invalidated any of our Rights or Privileges. We cannot be ſuppoſed to have admitted, in any Degree of any of their Claims: At leaſt no ſuch Suppoſition can be made by any but thoſe who have a Mind to ſuppoſe ſo, only for the Sake of finding Fault with the Convention.

'This Nation, thank God! Sir, is far from being in any unfortunate Situation. I hope it will never be reduced to the fatal Neceſſity of giving up any of its valuable Rights or Privileges, for the Sake of Peace. I hope no Man has any Influence in his Majeſty's Counſels, that for any ſelfiſh Conſideration would adviſe him to do ſo. I am ſure his Majeſty would reject ſuch Advice with the utmoſt Diſdain; and therefore no Man, if he were wicked enough, will be ſo bold as to give it. But there are ſome Perſons in the Nation, tho' none

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none in this Houſe, who are Enemies to his Majeſty and his Family; and as ſuch Perſons place all their Hopes in Inſurrections and Invaſions, they endeavour to make the World believe, that this Nation is reduced to the loweſt and moſt contemptible Condition, by which they hope to ſerve a double Purpoſe; for at the ſame Time that it contributes towards rendering our own People diſaffected, they think it will encourage Foreigners to invade as, or provoke us to War, by refuſing to do us Juſtice. This may have ſome Effect upon ſome ignorant and unthinking People, but no Man of Senſe can be ſo impoſed on; and it is now, I hope it will always be, in our Power, as ſoon as we think it neceſſary, to make our Enemies ſenſible, that our Forbearance proceeded from our Wiſdom, and not from our Weakneſs or Puſillanimity.

'From what I have ſaid, Sir, it will appear, that none of thoſe Points of Right that have been mentioned, can come to be diſputed in this Houſe; and ſurely we have no Occaſion to hear Connſel, as to Points of Right which no Man will conteſt. But now ſuppoſe they were all to be conteſted, even in that Caſe, we could have no Occaſion to take up our Time with hearing Counſel. All the Points that have been mentioned, and all the Points of Right that can come before us upon the preſent Occaſion, are of a publick Nature; and, with reſpect to Matters of publick Right, there are many Gentlemen in this Houſe, that underſtand them better, and can explain them more fully and clearly, than any Lawyer, whoſe Time is chiefly employed in ſtudying the municipal Laws of his Country. I believe there is not a Gentleman in this Houſe but would chuſe, I am ſure I would chuſe, to hear the honourable Gentleman himſelf upon ſuch a Subject, rather than any Lawyer in the Kingdom. It is in Matters of private Right of Property only, where the hearing of Counſel can be of any Advantage to us; becauſe, as ſuch Matters are generally more perplexed than Matters of a publick Concern, Gentlemen who do not make it their particular Study, cannot be ſuppoſed to know all the Laws and Cuſtoms that may relate to them, or the Precedents by which they ought to be regulated.

'In ſuch Caſes, Sir, in all Caſes, where the private Right or Property of any Man in the Kingdom is to be affected by any Thing that is to paſs in this Houſe, I know it is uſual to admit their Petitioners to be heard by the Counſel; but I know no Inſtance where Counſel have been admitted, in any Caſe, where national Right or Privileges only could be ſaid to be affected I am far from thinking that any national Right or Privilege can be in the leaſt affected, by our late Conven-

tion

>n with Spain; but, if this were the Caſe, I think it ould be a bad Precedent to admit Counſel to be heard >on ſuch an Occaſion. I know the Subject has a Right a petition, even upon ſuch Occaſions: I ſhall al- ays be not only for preſerving that Right, but for encourag- g the Practice. But, in all Caſes, we have a Right to ear them or not, as we ſee Cauſe; and in Matters of a pub- ck Concern we ſeldom hear them even by themſelves. In Money Bills we never do: It is almoſt a general Rule, not o much as to receive Petitions againſt ſuch Bills; and it would be extremely inconvenient to introduce the Practice of earing Counſel in Caſes of a publick Nature. If ſuch a Practice ſhould become frequent, our Seſſions of Parliament would become not only annual, but continual. We ſhou'd be obliged to ſit from one Year's End to the other; in which Caſe, it wou'd be neceſſary to revive the ancient Cuſtom of paying Wages to our Parliament Men; and, as Money is now of much leſs Value than it was when that Cuſtom pre- vailed, it would likewiſe become neceſſary to increaſe thoſe Wages, which would be a new and a heavy Charge upon all the Counties, Cities, and Boroughs in the Kingdom.

'Whoever therefore may be the Parties, Plaintiff and Defendant, when we come to take this Convention into our Conſideration, it muſt, I think, Sir, appear to be a Prece- dent of a very dangerous Nature, to admit the Petitioners a- gainſt it to be heard by their Counſel. For my own Part I am far from thinking, that the whole Body of our Merchants, Planters and Seamen, will appear as Plaintiffs againſt it. What Means may have been uſed for ſpiriting up Petitions againſt it, I ſhall not pretend to determine; but, I believe, if any Means had been made uſe of for ſpiriting up in its Petitioners Favour, we ſhould have had as many Petitions of the one Side as the other; for I cannot but think, that the greateſt Part of our Merchants, Planters, and Seamen, will always be for preſerving Peace, if poſſible. And as to thoſe who were con- cerned in negotiating this Treaty, I believe they think it ſtands in no Need of Counſel for its Juſtification: I believe they think it will ſufficiently ſpeak for itſelf; and there- fore will not deſire to have it recommended by the Arts of Eloquence; and, as I think the admitting of Counſel to be heard againſt it, is not only unneceſſary, but in ſeveral Reſ- pects dangerous; as I think it would be taking up a great deal of our Time to little Purpoſe, I ſhall therefore conclude with moving for an Amendment to the honourable Gentle- man's Motion; which is, That the Word *either*, and the Words *or Counſel*, may be left out of the Queſtion.

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Sir W. Windham.

Sir William Windham.

Sir,

'I am glad to find that the honourable Gentleman who ſpoke laſt, is for ſhewing ſome Sort of Regard to the Petition now before us. I confeſs I had ſome Apprehenſions, that this Petition would have been treated as the Petition of the City of London againſt the late infamous Exciſe Scheme was treated; that you would only have ordered it to lie upon the Table; becauſe, I am convinced the Petitioners, if they are allowed to be heard, either by themſelves or Counſel, will be able to make out all they have alledged, and more than they have alledged in their Petition.

'But, for my own Part, Sir, I muſt ſay, with reſpect to this Scheme of Peace, this Convention now before us, I do not think I ſtand in need of any Information the Petitioners can give, for aſſiſting me to form a right Opinion of it. Upon the very Face of it, and at firſt View, it appears to me to be not only the moſt diſadvantageous, but the moſt diſhonourable Treaty we ever made. Nothing I think can in the leaſt excuſe our agreeing to it, but our being in the moſt unfortunate, the moſt contemptible Situation, an independant Nation was ever in; and this, I am ſure the Petitioners cannot ſhew. If we are in ſuch a Situation, which God forbid, it is thoſe only who made this Treaty that can ſhew it; but if they ſhould tell us that this was their Reaſon for adviſing his Majeſty to ratify ſuch a Treaty, it is far from being an Argument for our approving it. Unlucky Circumſtances, either at home or abroad, may be a Reaſon for ſuſpending our Reſentment, but it can never be a ſufficient Reaſon for our agreeing to a diſhonourable Treaty; and, if we are in ſuch Circumſtances, it is the Duty of this Houſe to enquire into the Conduct of thoſe who have brought us into ſuch Circumſtances, and to puniſh them for their Wickedneſs or Folly; for this Nation can never be brought into ſuch Circumſtances but by the extreme Wickedneſs or Folly of thoſe who have been intruſted with the Adminiſtration of our publick Affairs.

'This, I ſay, Sir, is the Opinion I have already formed: It cannot be made worſe by any thing the Petitioners or their Counſel can ſay againſt, and I do not believe it will be made better by any Thing that can be ſaid in Favour of this Convention. But as ſome Gentlemen may not yet look upon this new Treaty, or rather Preliminary to a Treaty, in the ſame Light I do, and as I think it neceſſary we ſhould be as unanimous as poſſible in an Affair of ſo great Importance, I ſhall be for giving as much fair Play as poſſible both to our Merchants, and to thoſe whom I muſt upon this Occaſion look

look on as their Antagoniſts, I mean our Negociators, and others who were concerned in cooking-up this whetting Morſel, which they ſeem to have contrived on Purpoſe to make us digeſt any Treaty Spain, in all her Haughtineſs, ſhall pleaſe to vouchſafe. I ſay, Sir, I ſhall be for giving both theſe Parties as much fair Play as they can deſire, and therefore I ſhall be for allowing the Petitioners to be heard by themſelves or Counſel. When we have given them this Liberty, they may then chuſe which they think beſt; and as they know their own Abilities, and the ſeveral Matters they have to lay before us, much better than we can pretend to, they are certainly better Judges than this Houſe can be, whether it will be neceſſary for them to have Counſel; for unleſs they think it abſolutely neceſſary for them to employ Counſel, we may depend on it they'll ſave themſelves the Expence. Anno 12 Geo. II. 1738 39

I am ſorry to find, Sir, that thoſe who are againſt this Queſtion, ſhould think it neceſſary upon this Occaſion to ſay any thing that may look like a Reflection upon the learned Gentlemen at the Bar. As they are not to ſet themſelves up as Judges in any Caſe they are employed in, it is their Buſineſs, it is their Duty, where no palpable Fraud appears, to ſtate their Client's Caſe in the faireſt Light they can; and if, upon one Side of the Queſtion, the Caſe be deſignedly put in a confuſed, or in a falſe deceitful Light, or if any ſophiſtical Arguments be made uſe of, it is the Buſineſs of thoſe who are employed on the other Side, to ſtate the Caſe in a clear Light, to expoſe the Falſhood or Deceit, and to ſhew the Sophiſtry of the Arguments made uſe of by their Antagoniſts. This renders it almoſt impoſſible for the Judges, or indeed for any Hearer, to be deceived or impoſed on by the Art of the Speaker, upon either Side of the Queſtion; and therefore the admitting Counſel to be heard in any Caſe, either of a publick or private Nature, can never be of the leaſt dangerous Conſequence, but on the contrary, muſt always be of great Uſe for giving the Judges a clear and diſtinct Notion of the Caſe in which they are to give Judgment, and of the Arguments that may be made uſe of upon both Sides of the Queſtion.

'As the Gentlemen at the Bar are never, in any Caſe which they plead, to give their Judgment or their Vote, they may therefore lawfully, honeſtly, and honourably take a Fee for pleading any Cauſe they undertake; but where a Man is to give his Judgment or his Vote, I am ſure every Gentleman in this Houſe will agree with me, that it is neither honourable, honeſt, nor lawful to take a Fee, or any other Reward, either for ſpeaking or voting. He ought not ſo much as to accept of a Favour, or a Preſent from either of the Parties concerned in the Caſe, in which he is to

ment may be miſled, by Favours received,
Attachments.

As to Facts, Sir, I ſhall allow they ar
more plain perhaps than ſome People deſire.
plain, that I do not find they can be diſg
mercenary Eloquence in the Kingdom. But,
are, it requires ſome Art, ſome Practice to ſt
proper Light, eſpecially where they are nu
various Kinds. But with regard to Facts, w
Eloquence conſiſts in relating what are neceſſa
than what are neceſſary; therefore, for ſav
ought to admit the Petitioners to be heard
Counſel than by themſelves; for as none of
tiſed in the Art of Speaking, they may for
give us an Account of ſome of the moſt mat
dwell upon others that are nothing to the P
great deal of our Time may be taken up in
Account of Facts that are of no great Signif
at the End we may have but a very lame A
Facts which are the moſt material. Counſel
have Inſtructions from thoſe who employ th
have an Account from their Clients of the F
proved, and of the Witneſſes that can prov
the Courſe of the Examination ſome materia
hinted at, which the Petitioners did not kno
Counſel were preſent at the Bar, they would
hold of ſuch Hints, and by putting proper
have them fully explained: Whereas, other
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iverſant in ſuch Affairs. Thus, Sir, it appears
egard to Facts, if we admit the Petitioners to
themſelves only, we may probably have a great
our Time taken up, than if we were to admit
heard by their Counſel, and that we cannot ex-
nd diſtinct an Account of all the material Facts,
t to have in an Affair of ſo great Importance.
l probably have a great many Petitions beſides
fore us; as every one of thoſe Petitions may
ſome particular Point that affects them only;
tion of Witneſſes muſt laſt for ſeveral Days, and
o Points of a very different Nature. In ſuch a
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uſineſs, will be able to ſum up the Evidence?
entleman of this Houſe apply the Caſe to him-
n lay his Hand upon his Heart and declare,
inks he ſhould be able to ſum up the Evidence,
ng his being acquainted with, and perhaps ac-
ſpeak in this Aſſembly. What then can he
ny Gentleman that never was of this Houſe,
aps ſpoke before any public Aſſembly?
as to Matters of Right or Property, the ho-
tleman endeavoured firſt to ſhew, that no ſuch
come to be diſputed before us. Sir, I believe
f this Nation, that have been lately diſputed
l not be in the leaſt controverted before us. No
e to ſtand up in this Aſſembly, and deny any of
hat Spain has been lately allowed to diſpute with
nſiſtent with the Honour of the Nation to allow
ſputed in any Negotiation. That of a free Na-
the open Seas, is a Right ſo plain and evident,
onſequence, that we ought to have broke off
Negotiation, as ſoon as the Spaniards pretend-
; and ſince they had pretended to ſet up a
s inconſiſtent with this Right, we ought never
ed our Negotiations with them, till they had
inquiſhed that unjuſt Claim, and expreſsly ac-
ur Right. Whereas it now appears, that we
negotiated, but have treated without any ſuch
t or Acknowledgment: Nay, we have ex-
is Treaty, referred it, amongſt others, to be

ſeaning of this Reference may be, Sir, what
may be put upon it, is a Matter of Right
quired into, before we approve of this Treaty.
Meaning may be put upon it by this Houſe,
tleman in this Houſe, that we are to enquire
t Meaning may be put upon it by Spain, or by
or if the Court of Spain, or any foreign Court

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whatever, can ſuppoſe, that by this Reference we have in any Degree admitted of thoſe Claims the Spaniards have lately ſet up againſt us, it will with them bring this Nation into Contempt; and ſurely the Parliament of Great Britain is not to approve of a Treaty that will bring Great Britain into Contempt, at any Court in Europe. It is not, Sir, becauſe I have a mind to find Fault with this Treaty, that I ſuppoſe this Reference will be interpreted as an Admiſſion of the moſt dangerous Claim Spain has ſet up againſt us. It is becauſe I think ſuch a Reference cannot be otherwiſe interpreted, that I muſt find Fault with this Treaty. Spain pretends to a Right to ſearch our Ships upon the open Sea, and to confiſcate the Ship and Cargo, if one Shilling's Worth of any Goods be found on Board, which they may pleaſe to call the Produce or Manufacture of their Plantations. This Right, among the reſt, we have referred to be regulated. Is not this acknowledging the Right? Is it poſſible to regulate a Right that never was in Being? Let us put the Caſe the other Way. We pretend, and moſt juſtly pretend, to free Navigation on the open Seas. Formerly we pretended to a Dominion over the Seas; but now we are reduced to pretend only to what every independant State has a Right to by the Law of Nations; and even this Right we have, by this Treaty, referred to be regulated by Spaniſh Plenipotentiaries. Is not this the greateſt Indignity that ever an independent Nation ſubmitted to? Shall we allow Spain to preſcribe Rules to the Freedom of our Navigation in the open Seas? If we ſhould now ſay, we cannot admit of any ſuch Thing, Spain may juſtly reply, you have already admitted it by your preliminary Articles; the only Thing the Plenipotentiaries have to do, is, to ſettle and agree upon thoſe Rules which we are to preſcribe.

If any Man ſhould claim of me, Sir, 1000 *l.* which I knew he had not the leaſt Pretence for, I ſhould, perhaps, out of Charity, vouchſafe to hear what he could ſay in juſtification of his Claim, but I ſhould think myſelf a Madman, if, to avoid a Law-ſuit, I ſhould ſubmit ſuch a Claim to Arbitration. We have heard the Reaſons alledged by Spain, for every one of the unjuſt Claims they have lately ſet up againſt us. We have had the Patience to hear them over and over again, during the long Courſe of our Negotiations. We ought, I am ſure we could, and I hope we have ſhewn them, that there is no Weight in any of the Reaſons they have alledged, nor the leaſt Foundation for any one of the Claims they have ſet up. This we might have done for once, without doing ourſelves any notable Injury; but we negotiated too long, and now at laſt, by this Treaty, we have ſubmitted all the unjuſt Claims they have ſet up againſt

re daily conversant in such Affairs. Thus, Sir, it appears hat, with regard to Facts, if we admit the Petitioners to e heard by themselves only, we may probably have a great eal more of our Time taken up, than if we were to admit hem to be heard by their Counsel, and that we cannot ex- ect so full and distinct an Account of all the material Facts, s we ought to have in an Affair of so great Importance. As we shall probably have a great many Petitions besides his now before us; as every one of those Petitions may omplain of some particular Point that affects them only; he Examination of Witnesses must last for several Days, and nust relate to Points of a very different Nature. In such a Case, can we suppose that any Gentleman, who has never nade it his Business, will be able to sum up the Evidence? et every Gentleman of this House apply the Case to him- elf: Let him lay his Hand upon his Heart and declare, whether he thinks he should be able to sum up the Evidence, otwithstanding his being acquainted with, and perhaps ac- ustomed to speak in this Assembly. What then can he xpect from any Gentleman that never was of this House, or ever perhaps spoke before any public Assembly?

Now, Sir, as to Matters of Right or Property, the ho- ourable Gentleman endeavoured first to shew, that no such Matter could come to be disputed before us. Sir, I believe he Rights of this Nation, that have been lately disputed y Spain, will not be in the least controverted before us. No Man will dare to stand up in this Assembly, and deny any of hose Rights, that Spain has been lately allowed to dispute with s. It was inconsistent with the Honour of the Nation to allow hem to be disputed in any Negotiation. That of a free Na- igation upon the open Seas, is a Right so plain and evident, nd of such Consequence, that we ought to have broke off ll Manner of Negotiation, as soon as the Spaniards pretend- d to deny it; and since they had pretended to set up a laim that was inconsistent with this Right, we ought never have renewed our Negotiations with them, till they had reviously relinquished that unjust Claim, and expressly ac- nowledged our Right. Whereas it now appears, that we ave not only negotiated, but have treated without any such elinquishment or Acknowledgment: Nay, we have ex- ressly, by this Treaty, referred it, amongst others, to be egulated.

What the Meaning of this Reference may be, Sir, what nterpretation may be put upon it, is a Matter of Right hat must be inquired into, before we approve of this Treaty. is not what Meaning may be put upon it by this House, by any Gentleman in this House, that we are to enquire to. It is what Meaning may be put upon it by Spain, or by oreigners; for if the Court of Spain, or any foreign Court

whatever, can ſuppoſe, that by this Reference we have admitted in any Degree admitted of thoſe Claims the Spaniards have lately ſet up againſt us, it will with them bring this Nation into Contempt; and ſurely the Parliament of Great Britain will not approve of a Treaty that will bring Great Britain into Contempt, at any Court in Europe. It is not, Sir, becauſe I have a mind to find Fault with this Treaty, that I ſuppoſe this Reference will be interpreted as an Admiſſion of the moſt dangerous Claim Spain has ſet up againſt us. It is becauſe I think ſuch a Reference cannot be otherwiſe interpreted, that I muſt find Fault with this Treaty. Spain pretends to a Right to ſearch our Ships upon the open Seas, and to confiſcate the Ship and Cargo, if one Shilling Worth of any Goods be found on Board, which they may pleaſe to call the Produce or Manufacture of their Plantations. This Right, among the reſt, we have referred to be regulated. Is not this acknowledging the Right? Is it poſſible to regulate a Right that never was in Being? Let us put the Caſe the other Way. We pretend, and moſt juſtly pretend, to free Navigation on the open Seas. Formerly we pretended to a Dominion over the Seas; but now we are reduced to pretend only to what every independant State has a Right to by the Law of Nations; and even this Right we have, by this Treaty, referred to be regulated by Spaniſh Plenipotentiaries. Is not this the greateſt Indignity that ever an independent Nation ſubmitted to? Shall we allow Spain to preſcribe Rules to the Freedom of our Navigation in the open Seas? If we ſhould now ſay, we cannot admit of any ſuch Thing, Spain may juſtly reply, you have already admitted it by your preliminary Articles; the only Thing the Plenipotentiaries have to do, is, to ſettle and agree upon thoſe Rules which we are to preſcribe.

If any Man ſhould claim of me, Sir, 1000 *l.* which I knew he had not the leaſt Pretence for, I ſhould, perhaps, out of Charity, vouchſafe to hear what he could ſay in Juſtification of his Claim, but I ſhould think myſelf a Madman, if, to avoid a Law-ſuit, I ſhould ſubmit ſuch a Claim to Arbitration. We have heard the Reaſons alledged by Spain, for every one of the unjuſt Claims they have lately ſet up againſt us. We have had the Patience to hear them over and over again, during the long Courſe of our Negotiations. We ought, I am ſure we could, and I hope we have ſhewn them, that there is no Weight in any of the Reaſons they have alledged, nor the leaſt Foundation for any one of the Claims they have ſet up. This we might have done for once, without doing ourſelves any notable Injury; but we negotiated too long, and now at laſt, by this Treaty, we have ſubmitted all the unjuſt Claims they have ſet up againſt

to Arbitration. They muſt have been convinced long ore now, that they had no reaſonable Pretence for refuſing do us Juſtice; but, if they were not, can we hope that y will be more tractable, or leſs obſtinate, in conferring, n we have already found them in negotiating? Can we pect that the Arguments of Mr. Keene the Plenipotentiary ll have greater Weight than the ſame Arguments had en urged by Mr. Keene the Envoy? No, Sir, they will t now admit him to ſay, 'You have no Right to ſearch our ips upon the open Seas, under any Pretence whatſoever:' hey will tell him, 'You have already, by the preliminary nvention, admitted our Right; your only Buſineſs now to propoſe to our Plenipotentiaries ſuch Regulations as ay make our Right of ſearching as little hurtful to your rade as poſſible.' This is what I am convinced the Spaiards will ſay; and whether or no they may have a Right rom the Words of this Treaty to ſay ſo, is a Queſtion of Right, which we ought to hear argued by Counſel, before we paſs Judgment upon this Convention. If there be the leaſt Pretence for their ſaying ſo, they have already got a great Advantage over us, by his Majeſty's Ratification; but they will get a much greater, by the Parliament's Approbation of that Treaty, which furniſhed them with ſuch a Pretence.

'I am glad to hear, Sir, from the honourable Gentleman, that the Nation is far from being in any unfortunate Situation; becauſe he ought to know, and I am convinced he never ſpeaks contrary to what he thinks; but whatever we may think or ſay within Doors, I am afraid a very different Opinion generally prevails without Doors. The People do not judge from what they hear, but from what they ſee and feel. They have felt themſelves inſulted, plundered, and cruelly uſed, by the Spaniards: They have as yet found no Reparation, nor do they know of any Vengeance that has been taken. On the contrary, it is well known both abroad and at home, that we have tamely ſubmitted to repeated Inſults and Depredations for many Years. We have ſubmitted ſo long, that the Spaniards ſeem to think they have acquir'd a Right by Preſcription to plunder our Merchants, and abuſe our Seamen as often as they have a mind. From our ſuffering ſuch Injuries and Indignities to paſs unpuniſhed, not only our own People, but every Foreigner that hears of it, may have ſome Reaſon to conclude, that the Nation is in a weak and contemptible Condition, or that ſome of thoſe that have an Influence in our Counſels, are ſwayed by Motives inconſiſtent with the Honour and Intereſt of their Country. It is not from the Reports of his Majeſty's Enemies, but from the Conduct of his Majeſty's Miniſters, that

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that People form their Judgment; and therefore, if there be any one, either at home or abroad, that ſuppoſes this Nation to be in an unfortunate Situation, it muſt be imputed to his Majeſty's Miniſters, who, in this Reſpect, might indeed be juſtly called his Majeſty's greateſt and moſt dangerous Enemies.

'In the Caſe now before us, Sir, we ought to conſider nther what the People without Doors may think, or what Foreign Nations may think, than what any particular Gentleman of this Houſe may think of our preſent Situation. From our paſt Conduct, I am afraid, Foreign Nations have already begun to form a very unfavourable Opinion of our Circumſtances; but, if they ſhould ſee a Treaty approved of by Parliament, containing any Words that can be interpreted as an Admiſſion of a Right, which no independent Nation ever ſubmitted to, they muſt form a moſt contemptible Opinion of us, and certainly will treat us accordingly. Therefore, I think it is abſolutely neceſſary for us to hear Counſel, upon what may be thought to be the Import of that general Reference, which ſeems to be the chief Article of this Treaty.

'I do not queſtion, Sir, but that there are ſeveral Gentlemen in this Houſe, who are pretty well acquainted with the Law of Nations, and the Nature of Treaties; I have one in my Eye, who muſt be allowed to be a great Maſter in this Way; for tho' he never made it his Profeſſion, he is well known to have had great Practice; and, I make no Doubt of our having his Aſſiſtance, when this Treaty comes to be explained. But no Gentleman, who never made this Study his Profeſſion, can be ſuppoſed to be ſo well acquainted with it, as thoſe that do. In one of our Courts of Juſtice, I mean our Court of Admiralty, we know that the Barriſters or Advocates are obliged to make this Study their particular Profeſſion; and as our other Barriſters may happen to be employed in Appeals from that Court, moſt of them are obliged to make themſelves thorough Maſters of the Law of Nature and Nations, eſpecially with regard to maritime Affairs. Therefore, when an important Queſtion of any ſuch Nature is like to come before us, it muſt always be of great Uſe to hear Counſel, before we give our Opinion upon the Queſtion.

'In any ſuch Caſe, Sir, our admitting Counſel to be heard can never be a dangerous Precedent. If it were eſtabliſhed as a general Rule, it could be attended with no bad Conſequence; becauſe ſuch Caſes rarely occur. But, if they were much more frequent, it would be no Argument againſt doing our Duty, which is, in all Caſes, to endeavour to be thoroughly informed before we give our Opinion. If this

ſhould

ſhould prolong our Seſſions of Parliament, and if the Length of our Seſſions ſhould make it neceſſary to revive the antient Cuſtom of paying Wages to our Parliament Men, I cannot think that either would be a Loſs to the Nation, or an Innovation of our Conſtitution. The laſt would certainly be an Advantage, becauſe it would make our little Boroughs do as many of them have formerly done: It would make them petition to be freed from the Burden of ſending Burgeſſes to Parliament; and if no little Borough in the Kingdom ſent a Member to this Houſe, it would, in my Opinion, be an Advantage to the Nation, and an Improvement of our Conſtitution; becauſe the People would be much more equally repreſented.

'But now, Sir, ſuppoſe it were allowed to be an eſtabliſhed Rule in our Proceedings, never to admit Counſel to be heard in any Caſe, where no private Right or Property is concerned; yet this could be no Argument againſt our admitting Counſel to be heard with regard to this Convention; becauſe it muſt be granted, that the private Property of great Numbers of his Majeſty's Subjects is deeply concerned. The Claims of our Merchants, the Property they have been robbed of, amounts to above 400,000 Pounds. The very Petitioners now before us have a great Share in this Property; and ſhall we ſay their private Property is no way concerned, when that whole Claim is to be given up for 95,000 Pounds? Can a Man's private Property be ſaid to be no way concerned, when he finds himſelf in Danger of being obliged, by Authority of Parliament, to accept of leſs than five Shillings in the Pound, from a Debtor who does not ſo much as pretend to be Bankrupt or Inſolvent?

'The People of Georgia and Carolina, Sir, have a Property in the Lands they poſſeſs, founded upon what ought to be held one of the moſt ſacred Rights in the World, the King's Grant, and their own Induſtry; and can their Property be ſaid to be no way concerned, when Limits are to be ſettled, by which ſome of them muſt, and, for what they or we know, all of them may be ſtript of their Poſſeſſions? I ſay, Sir, ſome of them muſt, and all of them may; for if we happen to be infected with the ſame complaiſant Humour when we conclude the definitive Treaty, with which we ſeem to have been infected when we concluded the Preliminary Articles, I do not know but the Whole, or a great Part of South Carolina may be made a Preſent for keeping the Spaniards in good Humour. At leaſt, ſome of the Southern Parts of Georgia muſt be given up; for it would have been ridiculous in us to refer the Limits between the Spaniards and us in Florida to be ſettled by Plenipotentiaries, if at the ſame

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Time we had been reſolved not to part with an Inch of what we then pretended to.

'The South-Sea Company, Sir, have a Right and Property in the Aſſiento Contract; a Property that would have been a great Value to them, as well as to the Nation, if we had taken Care to reſent in a proper Manner every Invaſion that was made upon it. Can it then be ſaid, that the private Property of the South-Sea Company is no way concerned in a Treaty, when by the fundamental Article of that Treaty, I mean the King of Spain's Declaration, agreed upon with reciprocal Accord, we have, in ſome Meaſure, acknowledged his Right to ſuſpend the Aſſiento Contract, unleſs that Company ſubjects herſelf to pay, within a ſhort Term, a large Sum of Money, which he has no good Right to demand, and which, though he had, he ought to allow in Part of Payment of a much greater Sum due by him to them?

'Sir, the private Property of the South-Sea Company muſt be ſo deeply concerned in any Queſtion that can come before us relating to this Convention, and has, in my Opinion, been ſo greatly injured by our receiving or agreeing to this Declaration, that I am ſurpriſed they were not the firſt to petition againſt the Convention. I know of no Means that have been made uſe of, either publick or private, for ſpiriting up Petitions againſt it, except that of its being printed and publiſhed: I believe there was no Occaſion for making uſe of any other Means. But, if the South-Sea Company do not petition againſt it, I ſhall be convinced that ſome under-hand Means have been made uſe of for preventing ſuch Petitions; and from thence, I ſhall be apt to ſuſpect that, if it had been poſſible to procure any one Petition in its Favour, no proper Means would have been wanting.

Sir, I think I have made it appear, that the private Property of a great many of his Majeſty's Subjects, muſt be concerned in any Queſtion that can come before us relating to this Convention: I think it is evident, that the private Property of thoſe whoſe Petition we have now before us, muſt be deeply concerned: And therefore, if Counſel are ever to be heard in any Caſe where private Property is concerned, they ought to be heard when we come to take this Convention into our Conſideration. For which Reaſon I ſhall be for agreeing to the Motion without any Amendment.

John Talbot, Eſq;

John Talbot, Eſq;

Sir,

'Tho' I am far from thinking it dangerous to hear Counſel upon any Caſe whatever, yet I cannot think it is always neceſſary; and in Parliamentary Affairs, when it is not abſolutely

Lutely neceſſary, I muſt think it ought not to be allowed; ecauſe, by ſo doing, we take up a great deal of our Time, nd lay thoſe who have Buſineſs before us under a Temptaion, at leaſt, of putting themſelves to Expence to no Purpoſe. This, Sir, is far from being a new Opinion, or a new Way of thinking; for however neceſſary ſome may think it to hear Counſel in every Caſe that comes before Parliament, or before our Courts of Juſtice, it was not thought ſo of old: So far otherwiſe, that by the Common Law of England, neither the Plaintiff nor Defendant, in any of our Courts of Juſtice, could appear by his Attorney, without the King's ſpecial Licence ſignified to the Court, by his Writ or Letter: Every Man of old was obliged both to proſecute and defend his Suit in his own Perſon; and upon this Cuſtom, the learned Coke obſerves, that it made Law-Suits leſs frequent, which, I believe, was no Loſs to the Kingdom in general, whatever Inconvenience it might be to particular Perſons.

I may ſay upon the preſent Occaſion, that it would be very unadviſable to introduce the Cuſtom of permitting every Man to be heard by his Counſel, that might think himſelf aggrieved, by any Regulation propoſed in Parliament for the publick Good. In ſome Caſes of an extraordinary Nature this perhaps has been allowed; but it cannot yet be ſaid to be an eſtabliſhed Cuſtom; and I hope it never will. In Caſes where the Rights and Properties of private Men appear to be concerned, it may ſometimes be neceſſary to hear Counſel; but even in ſuch Caſes, we ought to diſtinguiſh between thoſe in which ſome nice Point of Law may probably ariſe, and thoſe in which no ſuch Point of Law can come to be canvaſſed before us. In Caſes of private Right or Property, where ſome nice Point of Law may probably ariſe, it becomes neceſſary for us to have that Point argued by Counſel learned in the Laws of the Kingdom; and for that Reaſon we ought, in ſuch Caſes, to admit the Parties or Petitioners to be heard by themſelves or Counſel: But in Caſes where no ſuch Point can be expected to ariſe, notwithſtanding there being ſuch as may affect the Property of ſome private Men, it is no Way neceſſary; nor ought we to take up our Time with hearing Counſel as to Facts, or clear Points of Law, which every Gentleman in the Houſe may comprehend as readily and as fully, as the moſt learned Lawyer that can be brought to plead before us.

This, I believe, Sir, will be allowed to be the Caſe, with regard to the Convention. The Rights of ſome private Men may perhaps be affected by ſome of the Reſolutions we may come to upon that Occaſion; but no one, I think, can expect, that any difficult Point of Law, relating to that

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Right or Property, can come to be diſputed. And if in the Courſe of our Examination ſome Point of Law ſhould ariſe, which may be thought proper to be explained by Counſel, we may then order, that the Petitioners ſhall then be heard by themſelves or Counſel, as to that Point only.

'In this Way, Sir, we may ſave ourſelves a great deal of Time and Trouble, and may prevent the Petitioners putting themſelves to a needleſs Expence; and if this Method were eſtabliſhed as a general Rule in all our Proceedings, even in Caſes where the Right or Property of private Men may be affected, no Man could ſay it would be any Way inconſiſtent with our Conſtitution; for in criminal Caſes of the higheſt Nature, in Caſes of Felony, the Priſoner is not admitted to be heard by Counſel, unleſs upon the Trial ſome Point of Law ariſes, and then he is to be heard by Counſel as to that Point only; and even in Caſes of High Treaſon our Conſtitution was the ſame, till it was altered by a late Statute; for where the Law is plain, there is certainly no Occaſion for Counſel in any Caſe either before Parliament or any inferior Court of Judicature; and as to Facts, they ought to be related and explained ſo as to make the Truth appear by the Depoſitions of honeſt and ſincere Witneſſes, and not by the Gloſſes that may be put upon them by ingenious and artful Pleaders.

'Therefore, Sir, by the antient Form of our Conſtitution which I think, for the Sake of Diſpatch, ought to be obſerved as a Rule in our Proceedings, we have no preſent Occaſion to order the Petitioners to be heard by their Counſel. Nay, they themſelves ſeem to be conſcious that it ought not to be done; for they have not ſo much as petitioned to be heard by themſelves or Counſel, they have petitioned only in general to be heard. If any Queſtion ſhould ariſe relating to Matters of publick Right, or the Meaning of Words in this or any other Treaty, we have the good Fortune to have ſeveral Gentlemen amongſt us, that can ſpeak to it as fully, and as learnedly, as any Counſel the Petitioners can employ; and as an Addition to our good Fortune in this Reſpect, I believe, thoſe Gentlemen will not be all of one Side: I even hope they will be of different Opinions, in order that we may hear the Point as fully argued in that Caſe, as we uſually do in other Caſes of the ſame Nature. Then as to managing or ſumming up the Evidence, we have the ſame good Fortune. We have Gentlemen amongſt us, that are as capable of putting proper Queſtions to the Witneſſes during the Examination, and ſumming up the Evidence after the Examination is finiſhed, as any Lawyer that ever appeared at our Bar; and as ſome of thoſe Gentlemen may probably be of the ſame Opinion with the Petitioners, and ſome of a contrary

ıry Opinion, we may expect to have the Examination ell managed, and the Evidence fully ſummed up on both ides.

' I am ſurprized, Sir, any Gentleman can imagine, that ſs of our Time will be taken up in hearing the Petitioners ɔth by themſelves and their Counſel, than in hearing them by ıemſelves only: For the Caſe is really that if you order them ɔ be heard by themſelves or Counſel, they will chuſe to have ounſel, not becauſe it is neceſſary, but becauſe after the Coun- el have opened the Subject Matter of their Complaint, ıch of them as can ſay any Thing upon the Subject, will e called as Witneſſes, and may in that Shape ſay as much, ınd take up as much of your Time, as if they were to be ıeard by themſelves only. By this Means they will have he Advantage of having their Caſe twice laid before you, ınd in a two-fold Manner, firſt by their Counſel, and then by themſelves; and therefore, I think, it is certain, they will chuſe to be heard by their Counſel, in caſe you give them Leave.

' But there is another Reaſon, Sir, why I think they will chuſe to be heard by their Counſel, which, in my Opinion, ıught to be a ſtrong Reaſon with us not to hear them by ounſel. 'Tis certain we have not obtained ſo much by his Convention as ſome ſanguine People might ex- ect: 'Tis certain we never did obtain ſo much by any reaty we have made, nor ever ſhall by any Treaty we an make. Wiſe Men will always give up ſomething f what they may have Reaſon to expect, rather than riſk he Whole upon the doubtful Event of a War; and hat they do give up, will always be in Proportion to the hance that is againſt them. To ſet this Chance in its pro- er Light, the Power of your Enemies and your own Weak- eſs muſt be truly repreſented, without magnifying either the ne or the other; but as it is, and always will be, unpopular to lk of the Strength of your Enemies, or of your own Weak- eſs, therefore the popular Side of the Queſtion will be always gainſt any Treaty or Convention you can make; and as there always the greateſt Scope for Eloquence upon the popular Side f any Queſtion, the Petitioners will certainly chuſe to have s much Eloquence upon their Side as poſſible, and for that urpoſe will chuſe to have Counſel, if we give them the iberty. But with us this ought to be a Reaſon for not ad- itting them to be heard by their Counſel; becauſe we are ɔ conſider, not what is moſt popular, but what appears rom the preſent Circumſtances of Things to be moſt for the ublick Good. As this is certainly the Duty of every Mem- er of this Houſe, I do not believe that any Gentleman,

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who has the Honour of being a Member, will allow himself to be influenced by the Eloquence either of the Petitioners or their Counſel; and therefore, if there were none here preſent but Members, I believe, neither Side would attempt to take up our Time with their Eloquence; but as there upon Occaſions a great Number of Perſons preſent, beſides thoſe that have a Right to Counſel, they will confider rather what they may ſay to the Audience, than what they ought to ſay to the Judges; and that conſequently a great Part of our Time will be unneceſſarily taken up, in hearing florid Harangues upon the Riches and Strength of the Nation, upon the Courage of our People, and upon our warlike Exploits in former Ages.

'I hope I have now ſhewn, Sir, that it does not yet appear to us, that it will be any Way neceſſary for us to hear Counſel upon any Thing relating to the Convention; therefore, I hope I ſhall be excuſed, if I give my Vote for the Amendment propoſed.

Samuel Sandys, Eſq;

Sir,

Samuel Sandys, Eſq;

'The Gentlemen who have ſpoke upon this Occaſion, againſt admitting the Petitioners to be heard by Counſel, put me in Mind of the old fabulous Story of *Proteus*. When they find themſelves like to be overcome in one Shape, they turn themſelves to another. In the former Part of this Debate they told us, Counſel was never to be heard, but in Caſes where the Rights or Properties of private Men were like to be affected, by what was to come under the Conſideration of Parliament. In Anſwer to this, it was, I think, demonſtrated, that the Right and Property of private Men muſt be greatly affected by this Convention, eſpecially if it ſhould meet with the Approbation of Parliament. This they could not deny, and therefore they have now turned themſelves into another Shape, by ſaying, that Counſel are not to be heard, even where the Property of private Men may be affected, unleſs ſome nice Point of Law, relating to that private Property, ariſes, during the Courſe of the Examination. This they ſay ought to be the Rule in all our Proceedings. They could not ſay it is, or that it ever was a Rule. They could not ſay ſo; for every one knows, that it is contrary to the whole Tenour of our Proceedings, as far back, as we can trace our Journals. It would be ridiculous to attempt to ſhew it to be ſo by Precedents: They are ſo numerous that they may be ſaid to be numberleſs. But what is ſtill more extraordinary, they have endeavoured to ſhew, that this ought to be a Rule, by mentioning ſome old Cuſtoms, which, becauſe of the Inconveniences or Injuſtice of them, have been abrogated.

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' In ancient Times, Sir, it was perhaps a Rule, that no Man ſhould be allowed to ſue or defend by his Attorney, without the King's Licenſe; and this could be attended with but little Incovenience to the Subject, whilſt almoſt all Cauſes were heard and determined in the County where the Parties reſided: But as ſoon as the King's Courts began to be fixed at Weſtminſter, it was neceſſary to allow every Man to ſue or defend by his Attorney; for which Reaſon the King's Licenſe became a Writ of Courſe, and at laſt, as being a needleſs Expence to the Suitors, was intirely laid aſide; ſo that for ſome hundreds of Years paſt, Parties in all civil Cauſes have been conſtantly allowed, without any Warrant by the King's Writ or Letters-Patent, to appear by Attorney, and to have their Cauſe pleaded by Counſel; which without doubt makes Law-Suits more frequent than they would otherwiſe be; for if Parties were now obliged to attend a tedious Law-Suit, and neglect all their other Buſineſs, no Man would either proſecute or defend his Right, unleſs it were of a very great Value.

' Then, Sir, as to criminal Cauſes, I know that thoſe who were accuſed of Treaſon or Felony, were not of old allowed Counſel, unleſs ſome difficult Point of Law happened to be ſtarted upon the Tryal; becauſe, as our Lawyers ſay, the Judges are to be of Counſel for the Priſoner. But every Man will, I believe, grant, that this was a Severity, introduced in favour of the Crown, nor very favourable for the Subject. Our Volumes of State-Trials will make it appear, how ſeldom the Judges have acted the Part of being Counſel for the Priſoner. They often appear rather to have acted the Part of being Counſel againſt him, and have treated a Man as a Traytor before he was condemned either by God or his Country. Thank God! with regard to Treaſon, we have got free of being obliged to have none other but ſuch Counſel: We have got this ridiculous Cuſtom altered by Means of the Revolution, which has in ſome Meaſure reſtored our original Conſtitution, though not ſo fully as it ought to have done; for a Revolution introduced and eſtabliſhed upon the Principles of Liberty ought to have rooted out every Stem of arbitrary Power, whereas in ſome Caſes it may rather be ſaid to have planted it; which ſhews the Weakneſs of human Foreſight, and how neceſſary it is for the Patrons of Liberty to be always upon their Guard.

' With reſpect to Felonies, 'tis true, Sir, the antient Cuſtom ſtill remains; but I am ſurpriſed it has not in this Caſe likewiſe been altered by Statute. 'Tis better twenty Guilty eſcape than one Innocent ſuffer; and I am convinced, this Cuſtom has been the Occaſion of many an innocent Man's being

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being condemned, who, if he had been allowed Counſel, would have made his Innocence as bright as the Sun-ſhine. 'Tis impoſſible for an ignorant Man to tell when a Point of Law ariſes; and the more innocent he is, the more ignorant we may ſuppoſe him: Thoſe that are never guilty of any Crime, are ſeldom at the Pains to ſtudy the criminal Laws of the Kingdom, or the Methods of Trial in ſuch Caſes; and therefore the more unfit are they, of themſelves, to conduct the Examination of Witneſſes, or to take notice, and make the proper Advantage of any Point of Law that may ariſe in the Courſe of the Examination. They muſt depend intirely upon their Judges, and the Judges may in the Caſe of Felonies behave as they have hitherto done in the Caſe of Treaſon: They may brow-beat the Priſoner, and thereby prevent his taking notice of, or inſiſting upon thoſe Points of Law, which he may have good Reaſon to inſiſt on.

'But, Sir, whether this Cuſtom of allowing Perſons accuſed of Treaſon or Felony to have Counſel, be a laudable Cuſtom or not, it is a Cuſtom that has always been obſerved by Parliament. Was there ever a Perſon accuſed in Parliament of any Crime or Miſdemeanor, that was not allowed Counſel, if he deſired it? In Bills of Pains and Penalties, are not thoſe againſt whom the Bill is deſigned, always allowed to be heard by their Counſel againſt the Bill? In Impeachments in the other Houſe, the Perſon impeached, though for High Treaſon, has always been allowed Counſel, even when the Cuſtom prevailed of not allowing Counſel to Perſons that were to be tried for ſuch Crimes in inferior Courts. It is therefore wrong to draw Arguments from what is now, or ever was the Practice of inferior Courts, for ſhewing what is or ought to be the Practice of Parliament; and if we follow the Cuſtom of inferior Courts with regard to Treaſons and Felonies, the Petitioners ought to be allowed Counſel, but our Treaty-makers none.

'However, Sir, as this Cuſtom was never yet introduced into Parliament, if our Treaty-makers, upon their Treaty's being cenſured by Parliament, which I hope it will, ſhould be proſecuted either by a Bill of Pains and Penalties, or by any other Parliamentary Method of Proſecution, I ſhould be for allowing them more Favour than ſome of their Friends ſeem willing to allow to the Petitioners: I ſhould be for allowing them to be heard by their Counſel againſt any ſuch Bill or Proſecution.

'It is a little extraordinary to ſay, we muſt not allow the Petitioners to be heard by their Counſel, becauſe they have not expreſly petitioned for it. Sir, they have petitioned to be heard, but they have been ſo modeſt as to leave it intirely to us to appoint which Way they ſhall be heard. Their Mo-

deſty

ſhews their Reſpect for this Houſe; and ſhall we make ſuffer for ſhewing us a decent Reſpect? If we ſhould ſo, I think we ſhould deſerve to meet with none any future Applications; and how to be heard by themſelves or Counſel, if we refuſe to give them the Liberty of being heard by their I am afraid it will be looked on, by People without as a preliminary Step towards our approving of this inary Treaty, which the whole Nation diſapproves of, conſequently will very much tend towards diminiſhing Reſpect, which the People of this Nation have always to find for their Parliament. They will deſpair of meeting with any Relief from Parliament, and from Deſpair become proud, they will begin to think of Methods for obtaining Relief, which may be attended the moſt dreadful Conſequences, that may be fatal to our ion and Liberties, the Conſequences that may, moſt probably, be fatal to the Illyrs family now upon the e.

I ſhall readily grant, Sir, that wiſe Men will give up thing of what they may reaſonably demand, rather riſk the Winds upon the doubtful Event of a War, ally when the Chance of War ſeems to be againſt them. hatever the Precepts of Chriſtianity may inculcate, I re the Precepts of Wiſdom, eſpecially in political Af- can never direct that, if an Enemy takes our Cloak, ould give him our Coat alſo, or that, if he gives us a n one Ear, we ſhould hold up to him the other; which to be our Caſe with regard to Spain. They have taken us our Cloak, and by this Convention, we ſeem willing e them our Coat alſo: They have given us a moſt y Blow, I may ſay ſeveral Blows, on one Ear, and by this ention, we ſeem to hold up to them the other. They Captain of one of our Merchant Ships eſcape, ſome ſince, with the Loſs of but one Ear; but if a Britiſh ament approves of this Convention, every Britiſh Sub- that ſhall hereafter have the Misfortune of falling into Hands, muſt expect to loſe both.

I ſhall likewiſe grant, Sir, that in order to determine ther the Chance of War be for us or againſt us, the r of our Enemies and our own Weakneſs muſt be con- d, and that, in order to judge whether we ought to accepted of this Convention, we ought to view both in proper and true Light; but if Spain is to be aſſiſted by of the other Powers of Europe, I am ſure, neither their nor our Weakneſs can be urged for our giving up any we have a juſt Pretence to. I am ſure, Spain is not ear ſo powerful as it was in the Days of Queen Eliza-

beth,

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beth, and conſidering the Union of the two Kingdoms of England and Scotland, and the great Improvements we have made in our Trade and Plantations, ſince the Queen's Reign, tho' we have been upon that Decline for ſome Years paſt, I muſt think we are now more powerful than we were at that Time; and yet that wiſe Queen was ſo far from bearing tamely any Injury that was offered by the Spaniards, that ſhe always purſued them with immediate Vengeance, and provoked them to Battle in every Corner of the World. Therefore, if Spain is not to be aſſiſted by any of the other Powers of Europe, we could be under no Neceſſity to accept of this Convention; and if the Spaniards are to be ſupported by France, in the unjuſt Claims they have ſet up againſt us, and the Piracies and Cruelties they have committed upon our Merchants and Seamen, I muſt ſay, we have ſhewn a great deal of Complaiſance to that Kingdom, for almoſt theſe twenty Years paſt, to very little Purpoſe.

'But theſe Things, Sir, the Counſel that are to be heard for the Petitioners can have nothing to do with. They are only to ſhew us what we have given up, or what we may be ſuppoſed to have given up, by this Treaty; and the Conſequences of the Conceſſions we have made, or are like to make, with regard to the Nation in general, and with regard to the Rights and Properties of the Petitioners in particular. It is this Houſe only, that is to conſider, whether we are in ſuch Circumſtances as to render it neceſſary to make ſuch Conceſſions. The Counſel have nothing to do with, nor can they be ſuppoſed to know, any Thing either of the Circumſtances of this Nation, or of the Circumſtances of our Enemies; therefore we cannot expect to hear from them any florid Harangues, either upon our own Strength or Courage, or upon the Weakneſs and Cowardice of our Enemies; and conſequently we need not be afraid of having our Time taken up with hearing eloquent Addreſſes made by them to the Galleries. But after they have finiſhed and are withdrawn, I ſhall expect to hear from ſome Gentlemen in this Houſe as florid Harangues, as they are capable of making, upon the Utility and Wiſdom of peaceable Meaſures, which in a trading Nation is certainly a more popular Subject, and conſequently a Subject which affords a greater Scope for Eloquence, than the Subject of War can afford to any Orator in the Kingdom. The Love of Peace and peaceable Meaſures will always be a popular Subject among a rich and induſtrious People, as long as there is nothing done for the Sake of Peace, that is either diſhonourable or diſadvantageous to the Nation. But when this happens to be the Caſe, I ſhall admit that War then becomes the

the popular Subject, which I am afraid, indeed, is too much our Case at present. Anno 12. Geo. II. 1738-39.

Sir, it seems now, as I have said, to be allowed, even by the Gentlemen who have spoke upon the other Side of the Question, that the Rights and Properties of private Men may be greatly affected by this Convention; but, say these Gentlemen, shall we allow every Man to be heard by his Counsel, that may think himself aggrieved by any Regulation proposed in Parliament for the public Good? I shall grant, Sir, that the public Interest is to be preferred to the Interest of any private Man; but I hope it will be likewise granted, that if any particular private Man, or Set of private Men, is to suffer a real Loss by what is to be done for the public Good, the Public ought to make him all possible Atonement; and therefore, if any Set of private Men think that they in particular will be aggrieved by what is proposed for the public Good, and we see Cause to believe that it may be so, we generally ought not only to receive their Petition, but to allow them to be heard by their Counsel; and that, even altho' there be no Likelihood that any difficult Question in Law, relating to their Property, can arise upon our Examination into the Affair. For if a private Man must suffer for the Sake of the Public, we ought to give him an Opportunity of making the Amount of what he is like to suffer appear as clearly as possible, in order that we may provide a Remedy, or make him an adequate Satisfaction.

However, Sir, as the Gentlemen of the other Side have allowed, that, in Cases where difficult Points of Law relating to the Rights of private Men may probably arise, the Petitioners ought to be allowed Counsel, I think this alone is sufficient for convincing us that, in the present Case, the Petitioners ought to be admitted to be heard by themselves or Counsel. For, I think, it is evident, that a very nice Point of Law must arise, when we come to take the Convention into Consideration. We must then enquire into the Import and Meaning of those Words in the Convention, by which we submit all the Claims set up by Spain to be regulated by Commissaries. I hope these Words do not import an Admission of any of their Claims; but I am far from being clear as to this Point; and I am sure it is a Point in which the Property of every one of our Planters in the West-Indies, especially Jamaica, is deeply concerned. I could mention several other nice Points that will probably arise in the Course of our Examination; but this I take to

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be ſufficient for ſhewing the Neceſſity of admitting the Petitioners to be heard by Counſel, even according to the Maxims laid down by thoſe that argue againſt it.

Now, Sir, as to our Time, I muſt confeſs that an honourable Gentleman has fallen upon a very ingenious Method for perſuading us, that more of our Time will be taken up in hearing the Petitioners by their Counſel, than by themſelves only. He has told us, that if we order them to be heard by themſelves or Counſel, it will in Effect be, to hear them both by themſelves and Counſel; becauſe, ſays he, we ſhall firſt hear their Caſe ſtated by their Counſel, and then we ſhall hear it ſtated again by them, when they come to be examined as Witneſſes. I wiſh the honourable Gentleman had conſidered, for ſurely he knows, what is the Buſineſs of Counſel, and what is the Buſineſs of Witneſſes upon ſuch Occaſions. It is the Buſineſs of Counſel to ſtate the Caſe, before the Examination of Witneſſes begins, and to ſum up the Evidence after it is over; both which they are to do in as clear and as ſhort a Manner as they can; and it is likewiſe their Buſineſs to take Care, that every Witneſs ſhall give an Account of all the material Facts he knows, in as plain and clear Terms as poſſible. Then it is the Buſineſs of every Witneſs to give a true and ſincere Account of all he knows, relating to the Affair upon which he is examined, and to give plain Anſwers to ſuch Queſtions as ſhall be put to him. This is their reſpective Duties, and it is the Buſineſs of the Judge to keep them to their Duty; therefore, after the Petitioners Caſe has been ſtated by their Counſel, none of them can, and I believe, none of them will preſume to ſtate it over again, when they come to be examined as Witneſſes: If any one of them ſhould, any Member may riſe up, and by giving him a proper Check, confine him to his Duty. But if we do not admit the Petitioners to be heard by Counſel, what muſt be the Conſequence? Some of themſelves muſt ſupply the Place of Counſel. Some of them, by the Appointment of the reſt, muſt ſtate the Caſe at the Beginning of the Examination, and ſome of them muſt ſum up the Evidence after the Examination is over; and theſe very Petitioners, who are appointed to ſtate the Caſe, or ſum up the Evidence, may, nay, probably muſt, be examined as Witneſſes, for proving ſome of the Facts that may not, perhaps, be known to any of the other Witneſſes; for otherwiſe, you would lay the Petitioners under a very great Diſadvantage, becauſe the beſt Speakers among them may be the beſt Witneſſes, and if you ſhould refuſe to hear them in a double Capacity, the

Petitioners

Petitioners muſt be deprived of having their Caſe ſtated by the beſt, perhaps the only Spokeſmen among them, or of having their beſt Witneſſes admitted to be examined. Therefore, in this Way, as well as the other, they will have an Opportunity, if they ſhould think proper, and you ſhould allow them, to lay their Caſe twice before you, firſt as Petitioners, and next as Witneſſes. But the Difference between the two Methods of hearing them, is, that, if you hear them by themſelves only, as they are not accuſtomed to ſuch Things, and may be more ſanguine than they ought to be, moſt People are in their own Cauſe, they will, probably, be more tedious, both in ſtating their Caſe, and ſumming up their Evidence, than Counſel would be: And even when they are examined as Witneſſes, their Fear of forgetting any Thing material, will make them more apt to fall into Repetitions and Tautologies, than they would be, had they Counſel at the Bar to direct them, and to put them in mind of any material Fact which they knew, and had forgot to give an Account of. From whence, we muſt conclude, that more of our Time will be unneceſſarily taken up in hearing the Petitioners by themſelves only, than in hearing them by their Counſel.

I have as good an Opinion in general of the Talents and Qualifications of thoſe, who have the Honour to be Members of this Houſe, as any Man can have: I have a very great Opinion of the Abilities of ſome among us; but, Sir, as we are Judges, we cannot be Counſel in any Affair that comes before this Houſe; unleſs we take up that Office which, the Lawyers ſay, is the Duty of thoſe who are the Judges of our inferiour Courts, I mean that of being Counſel for thoſe that are accuſed of any Crime or Miſdemeanor. If we conſider ourſelves in this Light, we muſt be of Counſel againſt the Petitioners, we muſt be of Counſel for thoſe who, the Petitioners ſay, have brought their Country into a moſt diſhonourable and diſadvantageous Treaty; and in this Light, ſurely, we muſt allow the Petitioners to have Counſel, as other Proſecutors have; becauſe we are all to be of Counſel, rather againſt them than for them. But ſuppoſe it were otherwiſe, ſince no Gentleman can be ſuppoſed to be ſo well acquainted with the Laws, as thoſe who are in daily practice; therefore, I think, it will be extremely proper, if not abſolutely neceſſary, for us to hear Counſel upon the Point I have mentioned, and upon ſeveral other Points of Law, that may probably ariſe in the Courſe of the Examination; and as I think a great deal leſs of our Time will be taken up in hearing the Petitioners by their

Anno 12 Geo. II. 1738-39. Counſel, than in hearing them by themſelves, I ſhall be for ordering them to be heard by themſelves, or Counſel, and conſequently I muſt be againſt the Amendment propoſed.

Upon a Diviſion, it was carried againſt hearing by Counſel, 227 againſt 203.

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